

# **UEFA EUROPEAN CHAMPIONSHIP (SCOTLAND) BILL**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. As required under Rule 9.3.2A of the Parliament’s Standing Orders, these Explanatory Notes are published to accompany the UEFA European Championship (Scotland) Bill, introduced in the Scottish Parliament on 12 March 2025.

2. The following other accompanying documents are published separately:

- a Financial Memorandum (SP Bill 60–FM);
- a Policy Memorandum (SP Bill 60–PM);
- a Delegated Powers Memorandum (SP Bill 60–DPM);
- statements on legislative competence made by the Presiding Officer and the Scottish Government (SP Bill 60–LC).

3. These Explanatory Notes have been prepared by the Scottish Government in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

4. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

### **THE BILL**

#### **Overview**

5. The Union of European Football Associations (“UEFA”) has announced that the UK and Ireland will host its 2028 European Championship (“EURO 2028”) of national member football associations. Scotland is one of the hosting nations. All matches held in Scotland will take place at Hampden Park, Glasgow. There will also be one or more official fan zones in part of the city centre.

6. For EURO 2028, UEFA has set specific requirements that hosts must meet. The Bill aims to fulfil guarantees made to UEFA, and meet UEFA’s requirements for Scotland to be able to host EURO 2028 matches at Hampden Park.

7. The Bill—

- prohibits ticket touting i.e. the unauthorised sale of Championship tickets in excess of face value or with a view to making a profit,
- prohibits unauthorised street trading within an event zone when the zone is in operation,
- prohibits unauthorised advertising within an event zone when the zone is in operation,
- creates criminal offences for ticket touting, and for unauthorised street trading and advertising,
- contains powers to enforce the ticket touting, street trading and advertising offences,
- requires Glasgow City Council to publish guidance on the advertising and trading restrictions, and offer alternative trading arrangements to affected street traders,
- is automatically repealed on 31 December 2028.

***Section 1: Meaning of key terms***

8. Some key terms are defined in this section, including the meaning of “event zone”. Event zones are areas within which the prohibitions in the Bill on trading and advertising will apply during a “prohibited time” in the “Championship period”. The event zones, the prohibited times and the Championship period will be defined in regulations made by the Scottish Ministers. The Championship period will be a period that covers EURO 2028. The dates for EURO 2028 are yet to be finalised but are projected to be 9 June to 9 July 2028. EURO 2020 ran from 11 June to 11 July 2021 and the Championship period for that tournament was the period beginning on 31 May 2021 and ending on 11 July 2021. Setting the Championship period and extent of the event zones in regulations will allow these to be defined closer to the time of the tournament, by which time more detailed planning and engagement will have taken place.

**Ticket touting**

***Section 2: Ban on ticket touting***

9. Section 2 of the Bill makes it an offence to tout a Championship ticket (“the touting offence”). A Championship ticket is any ticket, card, electronic device or other thing which entitles an individual to attend a EURO 2028 football match, whether or not the event is in Scotland (see the definition in section 1(1) of the Bill).

10. Doing any of the following acts count as “touting” where the price of the Championship ticket is more than the ticket’s face value, or the act is done with a view to making a profit—

- selling a Championship ticket,
- offering to sell, or exposing for sale, a Championship ticket,
- advertising that a Championship ticket is for purchase, or making a Championship ticket available for sale by another person,

- giving away (or offering to give away) a Championship ticket where that is conditional upon the payment of a booking fee or other charge, or the acquisition of some other goods or services.

11. In calculating whether the price of a Championship ticket is for an amount that is more than the ticket's face value the following must be included—

- any booking fee or other charge,
- the value of anything acquired along with the ticket (for example, if a small item is sold at an inflated price and the buyer gets a free Championship ticket with the item then that sale and the price paid is treated as a sale of a Championship ticket for that price),
- if a ticket is exchanged (rather than sold for money), the value of the thing exchanged.

12. Where an act is done with a view to making a profit, it is the person disposing of the ticket who must be aiming to make a profit from it, even if the act which constitutes the offence is carried out by someone else. For example, an advertiser may commit an offence by advertising the sale of tickets by a person where that person is making a profit from the ticket sales. Whether or not the advertiser makes a profit from selling advertising space to the ticket seller is irrelevant (but see section 4 of the Bill which provides an exception to the touting offence for certain advertisers where the advertiser does not, and could not reasonably be expected to, know that the ticket seller intends make a profit).

13. The touting offence does not apply to acts done by UEFA or those authorised by UEFA.

### ***Section 3: Exception for charity auctions***

14. This section provides that the touting offence does not apply in relation to the sale of a Championship ticket in an auction where the auction is conducted by a charity or where the proceeds of the ticket's sale are given to a charity. Subsection (2) sets out the meaning of "charity" for the purposes of the exception. In addition to charities registered in the UK and Ireland, it includes bodies established elsewhere, provided that the body is registered in a register corresponding to the Scottish Charity Register or meets the requirements of subsection (4) in relation to having charitable purposes and providing public benefit.

### ***Section 4: Exception for certain advertisers***

15. This section provides an exception from the touting offence for certain advertisers. The exception applies where the advertiser does not, and could not reasonably be expected to, know that the seller intends to sell the ticket for more than the ticket's face value or make a profit as a result of the sale.

16. If, for example, a newspaper advert for Championship tickets displayed a sale price that was obviously in vast excess of the normal face value of tickets to comparable sporting events, the publication that carried that advert could not argue that it could not reasonably have known that the sales were for above face value. In which case the advertising publication would be committing a touting offence.

***Section 5 and schedule 1: Exceptions for providers of information society services etc.***

17. This section introduces schedule 1 of the Bill which sets out exceptions to the touting offence for providers of information society services and makes the touting offence consistent with Articles 3(2) and (4) and 12 to 14 of Directive 2000/31/EC on certain legal aspects of information society services in the Internal Market (OJ L 178, 17.7.2000, p.1).<sup>1</sup>

18. Schedule 1 provides exceptions from the commission of the touting offence, subject to conditions, for service providers who act as mere conduits, who cache information, or who store information. It also provides that service providers established in an EEA state cannot be prosecuted for the commission of the offence regarding their provision of information society services, unless the derogation condition (as set out in paragraph 1(2)) is met.

19. Section 5 includes power for the Scottish Ministers to make regulations that modify schedule 1, including power to specify further circumstances in which making facilities available in connection with electronic communications or the storage of data is, or is not, to be capable of constituting the touting offence. This will allow the provisions to be adapted to any relevant technological developments, such as developments in artificial intelligence, between the Bill passing and EURO 2028. These regulations are subject to the affirmative procedure (see section 36 of the Bill).

**Street trading etc.**

***Ban on outdoor trading within event zones***

20. Section 6(1) of the Bill makes it an offence to trade within an event zone at a prohibited time (“the trading offence”). As set out in section 7(1) of the Bill, trading is the sale or offer for sale, in an open public place, of an article or service.

21. Holding a trading licence (as defined in section 37 of the Bill) is not a defence against a trading offence (section 9 of the Bill).

22. Indoor trading (i.e. trading in a building) is not covered by the trading offence (section 6(2)(a)). Other types of trading to which the trading offence does not apply are listed in schedule 2 of the Bill. For example, trading outside shops, restaurants and bars (if it is part of usual business and done during opening hours) and trading by Glasgow City Council, Glasgow Life or a UEFA Partner (as defined in section 37 of the Bill). Other activities that are exempt from the trading offence are selling current newspapers, the provision of certain public facilities (such as public transport, public toilets, phones boxes and ATMs) and selling or supplying services for motor vehicles (such as cleaning, parking and breakdown and recovery services).

23. The trading offence does not apply to any trading by UEFA provided the trading is done in accordance with any conditions that are set out in the trading regulations (section 6(4)).

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<sup>1</sup> [Directive - 2000/31 - EN - e-commerce directive - EUR-Lex](#)

### ***The trading regulations***

24. The Scottish Ministers are given a regulation-making power in section 6(3) of the Bill to modify the exemptions to the trading offence listed in schedule 2 and to make further provision about trading within event zones. These regulations are called “the trading regulations”. The trading regulations are subject to the affirmative procedure (see section 36 of the Bill).

25. As set out in section 7(3) of the Bill, the trading regulations may—

- define what activities count as trading,
- designate areas within event zones in which the trading offence does not apply, and
- prescribe what alternative arrangements are to be offered to existing street traders (as defined in subsection (4) of section 7).

26. Under section 8 of the Bill, the trading regulations may set out circumstances in which trading which would otherwise constitute a trading offence is permitted. This could be by reference to the person who is trading, the nature or purpose of the trading or the application of any profits. For example, the regulations could specify certain trading activities to reflect the fact that they do not require a street trading licence under other enactments.

### ***Section 10: Alternative arrangements where existing trading banned during Championship***

27. This section places a duty on Glasgow City Council to offer alternative trading arrangements to existing street traders (as defined in section 7(4) of the Bill) when the trading offence applies (i.e. at a “prohibited time” as defined by the trading regulations). Alternative arrangements may include an alternative trading location outwith the event zones.

### ***Section 11: Guidance and information about trading***

28. This section requires Glasgow City Council to issue guidance about trading in event zones. It also allows for the trading regulations to require specified persons to inform others of the effect of the ban on outdoor trading within event zones (section 6) and of the trading regulations.

## **Advertising**

### ***Ban on advertising within event zones***

29. Section 12(1) of the Bill makes it an offence to advertise within an event zone at a prohibited time (“the advertising offence”). As set out in section 13(1), an activity is to be treated as advertising if it is a communication to the public (or to a section of the public) for the purpose of promoting an item, service, business or other concern.

30. Holding an advertising licence is not a defence against an advertising offence (section 15 of the Bill).

31. Section 12(2) of the Bill sets out that the advertising offence does not apply to the types of advertising listed in schedule 3 of the Bill. For example, advertising to commemorate events or publicise political campaigns, and advertising to which the Town and Country Planning (Control

of Advertisements) (Scotland) Regulations 1984/467 do not apply (because, for instance, it forms part of the fabric of a building).

32. The trading offence does not apply to any advertising by UEFA provided the advertising is done in accordance with any conditions that are set out in the advertising regulations (section 12(5)).

### ***The advertising regulations***

33. The Scottish Ministers are given a regulation-making power in section 12(3) to make “the advertising regulations”. The advertising regulations may modify the exemptions to the advertising offence listed in schedule 3 of the Bill and make further provision about advertising within event zones. But the advertising regulations must not permit any person to knowingly participate in ambush marketing i.e. activity intended specifically to advertise within an event zone at a prohibited time a good or service, or a person who provides a good or service (section 12(4)). The advertising regulations are subject to the affirmative procedure (see section 36 of the Bill).

34. As set out in section 13(3) of the Bill, the advertising regulations may—

- define what activities will be treated as advertising, and
- designate places or areas within event zones in which the advertising offence does not apply.

35. Under section 14 of the Bill, the advertising regulations may set out circumstances in which advertising which would otherwise constitute an advertising offence is permitted. This could be by reference to the person who is advertising, the nature or purpose of the advertising or the circumstances of the advert’s display. For example, activity undertaken by a UEFA partner, advertising that is wholly a memorial, or carrying or holding personal property on which an advertisement is displayed (provided the individual did not know or did not have reasonable cause to believe that they are participating in ambush marketing).

### ***Section 16: Guidance and information about advertising***

36. This section requires Glasgow City Council to issue guidance about advertising in event zones. It also allows for the advertising regulations to require specified persons to inform others of the effect of the ban on advertising within event zones (section 12) and of the advertising regulations.

### **Enforcement powers**

#### ***Section 17: Enforcement officers***

37. This section provides a definition of “enforcement officer”. Enforcement officers must work for Glasgow City Council or be designated by the Council. They, in addition to police constables, will be able to enforce the provisions in this Act.

***Section 18: General enforcement powers***

38. Section 18 sets out the general range of powers that this Act confers on enforcement officers. Subsection (1) allows enforcement officers to take such steps as they consider necessary for the purpose of preventing or ending the commission of a Championship offence (defined as an offence under this Act) or in connection with proceedings, or anticipated proceedings, in respect of a Championship offence.

39. Subsection (2) specifies steps that are included within this general range which include seizing, concealing or destroying anything which the officer believes to be an infringing article. This power is subject to restrictions set out in sections 19 to 21.

40. Subsection (3) defines an “infringing article”. This could be an article used in connection with the commission of a Championship offence or receptacle used as a container for such an article, for example a box containing goods being sold by an unauthorised street trader.

41. Section 23 of the Bill enables an enforcement officer to be assisted by another person as may be necessary for the purpose of taking action under section 18. The person assisting the enforcement officer may only act under the direction of the enforcement officer.

***Section 19: Restrictions on power to seize infringing article***

42. Section 19 sets out restrictions on the power of enforcement officers to seize infringing articles. They can only do so for the purpose of ending the commission of a Championship offence, preventing the future commission of such an offence, enabling the article to be used in proceedings for such an offence (as evidence), or to enable the article to be forfeited in accordance with Part 2 of the Proceeds of Crime (Scotland) Act 1995 (which makes provision for property which has been used in crime to be forfeited).

43. Subsection (2) requires a seized article to be returned when retention of it is no longer justified; however, this requirement does not apply to perishable articles which no longer have any commercial value.

***Section 20: Restrictions on power to conceal infringing article***

44. This section provides that an article may be concealed by an enforcement officer for the purpose of ending the commission of an advertising offence or for preventing the further commission of an advertising offence. Concealment must cease when no longer required for either of these purposes.

***Section 21: Restrictions on power to destroy infringing article***

45. Section 21 provides that an infringing article may be destroyed only if it is appropriate to do so to end or prevent the further commission of an advertising offence and seizure or concealment would not be a reasonable course of action in the circumstances. Destruction is, therefore, only available as a measure of last resort.

***Section 22: Power to enter and search***

46. This section enables an enforcement officer, without warrant – but only with the permission of the occupier, or of another person with the legal authority to give such permission, for instance an owner or tenant of the property – to enter and search a place (and any vehicle, vessel, container or other thing at that place) where the officer reasonably believes that a Championship offence has been or is being committed or which the officer reasonably believes has been or is being used in connection with the commission of a Championship offence.

47. This power to enter and search does not give an enforcement officer the power to search an individual, or to access data which is stored electronically (for instance, on a smartphone or laptop).

48. Where an enforcement enters a place using this power, the enforcement officer must take reasonable steps to leave the place at least as effectively secured against unauthorised entry as the officer found it (subsection (3)). As set out in subsection (4), the power to enter and search is subject to the restrictions in section 24 (use of reasonable force), section 25 (further restrictions on entering houses) and section 27 (requirement to produce evidence of identity and authority).

49. Section 23 of the Bill allows an enforcement officer to take with them any other person or equipment necessary for the purposes of assisting the officer. This could, for example, be a locksmith in order to gain access or a tow truck operator. A third party of this kind may only act under the direction of the enforcement officer.

***Section 23: Enforcement officers: assistance***

50. This section enables an enforcement officer—

- to be assisted by another person as may be necessary for the purpose of taking action under section 18 (general enforcement powers),
- to take to a place entered by virtue of section 22 (power to enter and search), any other person, or any equipment, if necessary for assisting the enforcement officer.

51. A person who assists an enforcement officer may only act under the direction of the enforcement officer.

***Section 24: Use of reasonable force***

52. Unless the owner or occupier of a place that an enforcement officer requires to enter consents to the enforcement officer entering the place, some measure of force will generally be required.

53. This section empowers a police constable to use reasonable force, or to authorise an enforcement officer or a person assisting an officer to use reasonable force, when taking enforcement action under section 18 (general enforcement powers) or section 22 (entry and search).



54. Reasonable force may be used or authorised in this way only where the police constable accompanies the enforcement officer and if either—

- the use of force has been previously authorised by warrant issued by a sheriff (who may grant a warrant only if satisfied that the use of reasonable force is necessary), or
- the police constable reasonably believes that there is a real risk that the delay caused by seeking such a warrant would defeat or prejudice the purpose of taking action.

55. This power could, for example, be used to authorise a locksmith to use reasonable force to gain entry to a place.

56. This power does not allow a police constable to authorise an enforcement officer or a third party assister to use reasonable force against an individual.

### ***Section 25: Further restrictions on entering houses***

57. This section places further restrictions on the powers of enforcement officers when the place they wish to enter is a house or can only be entered through a house.

58. Under subsection (1) an enforcement officer can only enter such a place if permitted to do so by someone residing there or if granted a warrant by a sheriff.

59. Where the occupier gives permission for entry (but not where a warrant has been granted), an enforcement officer may only enter a house at a reasonable time and if accompanied by a police constable.

60. Subsections (3) and (4) set out the conditions of which a sheriff must be satisfied before issuing a warrant to enter a house. They are that the enforcement officer has reasonable grounds for taking the proposed enforcement action and—

- that the officer has been refused entry or has been prevented from taking other enforcement action in relation to the house or place,
- that such refusal or prevention is reasonably expected,
- that the house is unoccupied and the officer has taken reasonable steps to notify any residents of the house of the proposed enforcement action,
- that the case is one of urgency, or
- that notifying the residents of the officer's intentions would defeat the object of the proposed enforcement action.

61. A warrant granted under this section expires when it is no longer required for the purpose for which it was granted or, if earlier, on the day specified by the sheriff.

### ***Section 26: Power to obtain information***

62. This section allows an enforcement officer to require any person to provide such information as the officer considers appropriate in connection with a Championship offence or

conduct which the officer reasonably suspects constitutes a Championship offence. This could be used to gain access to records or receipts.

63. The exception to this requirement is that persons may refuse to provide information if they would be able to refuse to provide that information in or for the purpose of court proceedings. An individual would, for example, not be required to self-incriminate

***Section 27: Requirement to produce evidence of identity and authority***

64. This section provides that while an enforcement officer is taking enforcement action or exercising the power to obtain information that officer must produce evidence of that officer's identity and of their authority to act, if requested to do so.

***Section 28: Test purchases***

65. This section allows an enforcement officer to make or authorise another person to make a test purchase to discover whether the Act is being complied with without committing a Championship offence.

***Section 29: Compensation and recovery of costs***

66. This section allows a person to obtain compensation from Glasgow City Council where that person's property is damaged as a result of enforcement action taken by—

- an enforcement officer,
- a person assisting an enforcement officer, or
- a constable accompanying an enforcement officer.

67. If damage is caused by a constable who is not accompanying an enforcement officer, the usual compensation arrangements for the police apply. These are in section 24 of the Police and Fire Reform (Scotland) Act 2012 (liability for unlawful conduct).

68. A person cannot obtain compensation for damage to their property if the damage relates to a Championship offence committed by that person (subsection (2)).

69. Subsection (3) of the Bill introduces schedule 4, which contains further provision about compensation. Schedule 4 includes provision about—

- how to determine the compensation due,
- the deadlines for submitting a claim and the information to be included with a claim,
- what happens if Glasgow City Council needs more information to decide a claim,
- Glasgow City Council's decision on a claim, including deadlines for making a decision and the information that must be included in a decision notice,
- how a claimant may request a review of Glasgow City Council's decision and the deadlines within which the Council must review the decision, and

- how a claimant may appeal a decision on a review.

70. Under subsection (4), the Scottish Ministers have a regulation-making power to modify schedule 4, and make further provision in relation to compensation for enforcement action. These regulations are subject to the negative procedure (see section 36(4)) of the Bill).

71. Glasgow City Council is able to recover the cost of enforcement from the person who committed the Championship offence (subsection (5)).

### ***Section 30: Obstructing an enforcement officer***

72. This section makes it an offence to intentionally prevent or obstruct an enforcement officer from doing anything which the officer is authorised or entitled to do by virtue of the Act, or without reasonable cause to fail to provide an enforcement officer or a constable with information requested under section 26.

### ***Section 31: Police powers***

73. This section makes clear that a constable may do anything an enforcement officer may do under the Bill. For example, a constable could seize, conceal or destroy unauthorised advertising within an event zone.

74. Subsection (2) extends certain restrictions imposed on enforcement officers to constables but—

- the restrictions only apply to constables to the extent that they do not conflict with a constable's existing powers, and
- a constable does not have to be accompanied by another constable when using reasonable force or when entering a house.

### ***Section 32: Action under sections 18 to 28: procedure***

75. This section allows the Scottish Ministers to make regulations specifying further procedures which an enforcement officer or constable must follow when doing anything under sections 18 to 28. These regulations are subject to the negative procedure (see section 36).

## **Enforcement of offences**

### ***Section 33: Penalties***

76. This section sets out the penalties for the offences in the Bill.

77. Subsection (1) makes a person convicted of a touting offence, a trading offence or an advertising offence liable on conviction on indictment to an unlimited fine or on summary conviction to a fine not exceeding £20,000.

78. Subsection (2) makes a person convicted of an obstruction offence liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000). This scale is set out in section 225 of the Criminal Procedure (Scotland) Act 1995.

***Section 34: Individual culpability where offending by an organisation***

79. This section provides that where an offence is committed under the Act by a company, partnership or other body, and committed with the consent or the connivance of a “responsible individual” (as defined in subsection (3)), or because of neglect by such an individual, that individual, as well as the organisation, commits the offence.

**Final provisions**

***Section 35: Ancillary provision***

80. This section empowers the Scottish Ministers, by regulations, to make various types of ancillary provision for the purposes of, in connection with, or to give full effect to the Act or any provision made under it.

81. Regulations under section 35 may modify any enactment (including the Bill itself once enacted). The word “enactment” is defined in schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010 and includes Acts of the Scottish or UK Parliaments as well as secondary legislation.

82. If regulations under section 35 textually amend an Act then they are subject to the affirmative procedure, but otherwise they are subject to the negative procedure (see sections 28 and 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

***Section 36: Regulation-making powers***

83. This section makes further provision about the regulation-making powers given to the Scottish Ministers under this Bill. In particular—

- it allows regulations to make different provision for different purposes and different provision for different areas,
- it sets out the parliamentary procedure to which each regulation-making power is subject (i.e. negative or affirmative – see sections 28 and 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

84. Further information can be found in the Delegated Powers Memorandum for the Bill.

***Section 37: Interpretation***

85. This section sets out the meanings of various terms that are used in the Bill.

***Section 38: Commencement***

86. This section sets out when the provisions of the Bill, once enacted, will come into force (i.e. take effect).

87. The final sections, including the commencement section, will come into force automatically on the day after the Bill receives Royal Assent. The other provisions will be commenced in accordance with regulations made by the Scottish Ministers under this section.

88. Regulations under this section will, unless exercised in conjunction with powers under other sections, be laid before the Scottish Parliament but will not be subject to any parliamentary procedure (see section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010).

***Section 39: Repeal***

89. This section provides for the automatic repeal of the Act, once enacted. It provides that the Act ceases to have effect on 31 December 2028.

90. However the operation of section 17 of the Interpretation and Legislative Reform (Scotland) Act 2010 means that this repeal would not affect a liability to a penalty for an offence under the Act which is committed before the repeal. Furthermore the Act would continue to have effect for the purposes of investigating the offence, bringing proceedings for the offence, and imposing a penalty for the offence.

***Section 40: Short title***

91. This section provides for the resulting Act (if the Bill is passed and given Royal Assent) to be known as the UEFA European Championship (Scotland) Act 2025.

**NOTE ON INTERPRETATION**

92. The text of the Bill is to be interpreted in accordance with the Interpretation and Legislative Reform (Scotland) Act 2010. Among other things, this provides default definitions for certain expressions (such as “person” and “writing”). It also sets out default rules for common situations (such as when something is to be treated as arriving when it is sent by post).

**CROWN APPLICATION**

93. Section 20 of the Interpretation and Legislative Reform (Scotland) Act 2010 provides that the Crown will be bound by an Act of the Scottish Parliament or Scottish statutory instrument unless the provision expressly exempts it. This Bill applies to the Crown in the same way as it applies to everyone else.

*This document relates to the UEFA European Championship (Scotland) Bill (SP Bill 60) as introduced in the Scottish Parliament on 12 March 2025*

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## **EXPLANATORY NOTES**

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