

South Africa

Disaster Management Act, 2002

Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to the Biodiversity Sector (Alert Level 3) Government Notice 647 of 2020

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Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to the Biodiversity Sector (Alert Level 3)

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[Amended by Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to the Biodiversity Sector (Alert Level 3): Amendment (Government Notice 822 of 2020) on 28 July 2020]

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment hereby issue the Directions set out in the Schedule in terms of regulation 4(10) of the Regulations issued by the Minister of Co-operative Governance and Traditional Affairs in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) and published on 29 April 2020 in Government Notice No. R. 480 of Government Gazette No. 43258.

Barbara Dallas Creecy

Minister of Forestry, Fisheries and the Environment

1. Definitions

In these Directions, any word or expression to which a meaning has been assigned in the Regulations, the National Environmental Management: Biodiversity Act, the TOPS Regulations, the CITES Regulations, the AIS Regulations, the BABS Amendment Regulations and applicable provincial conservation legislation, bears the meaning so assigned and, unless the context otherwise indicates—

"**AIS Regulations**" means the Alien and Invasive Species Regulations issued in terms of section 97(1) of the National Environmental Management: Biodiversity Act and published on 1 August 2014 in Government Notice No. R. 598 of Government Gazette No. 37885;

"**applicable provincial conservation legislation**" means any Provincial Act, Ordinance or Decree that regulates biodiversity conservation matters;

"**BABS Amendment Regulations**" means the Bio-Prospecting, Access and Benefit Sharing Amendment Regulations issued in terms of section 97(1) of the National Environmental Management: Biodiversity Act and published on 19 May 2015 in Government Notice No. R. 447 of Government Gazette No. 38809;

"**CITES Regulations**" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Regulations issued in terms of section 97(1) of the National Environmental Management: Biodiversity Act and published on 5 March 2010 in Government Notice No. R. 173 of Government Gazette No. 33002;

"**Disaster Management Act**" means the Disaster Management Act, 2002 (Act No. 57 of 2002);

"**National Environmental Management: Biodiversity Act**" means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

"Regulations" means the Regulations issued in terms of section 27(2) of the Disaster Management Act and published on 29 April 2020 in Government Notice No. R. 480 of Government Gazette No. 43258; and

[definition of "subsistence hunting" deleted by section 2 of [Government Notice 822 of 2020](#)]

"TOPS Regulations" means the Threatened or Protected Species Regulations issued in terms of section 97(1) of the National Environmental Management: Biodiversity Act and published on 23 February 2007 in Government Notice No. R. 52 of Government Gazette No. 29657.

2. Purpose

The purpose of these Directions is to:

- (a) ensure fair processes relating to permits, registrations, and certificates during Alert Level 3; and
- (b) provide direction in respect of the carrying out of certain activities by the biodiversity sector in terms of the National Environmental Management: Biodiversity Act, the National Environmental Management: Protected Areas Act, 2003 ([Act No. 57 of 2003](#)) and any applicable provincial conservation legislation during Alert Level 3.

3. Application

3.1 These Directions apply to-

- (a) issuing authorities who are responsible for the processes listed in paragraphs 4,5 and 6; and
- (b) all applicants and holders of permits, registrations, and certificates related to the matters dealt with in paragraphs 4,5 and 6.

3.2 Where any issuing authority affected by these Directions has publicly indicated that a different arrangement applies, in respect of paragraphs 4,5 and 6, such an arrangement will prevail over any arrangement indicated in these Directions.

4. Extension of timeframes

4.1 The timeframes of permits, registrations and certificates that have expired during the period of lockdown and Alert Level 4 are hereby extended, or will be deemed to be extended, for a period of 30 working days from the date of publication of these Directions. Holders of these permits, registrations and certificates must apply to the relevant issuing authorities for renewal of such permits, registrations and certificates within 10 working days of publication of these Directions.

4.2 The timeframes of permits, registrations and certificates that have expired during Alert Level 3, or which will expire during Alert Level 3, are hereby extended, or will be deemed to be extended, for a period of 30 working days after the end of Alert Level 3. Holders of these permits, registrations and certificates must apply to the relevant issuing authorities for renewal of such permits, registrations and certificates within 10 working days after the end of Alert Level 3.

5. Applications for and issuing of permits, registrations and certificates

- 5.1 Any activity carried out during Alert Level 3 involving biodiversity resources, which requires a permit, registration or certificate in terms of the National Environmental Management: Biodiversity Act or any applicable provincial conservation legislation, must be carried out in terms of such a permit, registration or certificate.
- 5.2 Persons must submit applications for permits, registrations and certificates during Alert Level 3 in the manner as set out in Annexure 1 to these Directions.
- 5.3 Issuing authorities will receive and process applications, and issue permits, registrations and certificates during Alert Level 3, as set out in Annexure 1 to these Directions, unless publicly stated otherwise.

- 5.4 Applications referred to in subparagraph 5.2 apply to permits, registrations and certificates required in terms of the National Environmental Management: Biodiversity Act, or any applicable provincial conservation legislation.

6. Activities

- 6.1 All activities that were permitted with restrictions as contained In the Directions regarding Measures to Address, Prevent and Combat the Spread of COVID 19 related to the Biodiversity Sector, published in Government Notice No. 537 in Government *Gazette* No. 43323 of 14 May 2020, as amended by Government Notice No. 596 in Government *Gazette* No 43355 of 26 May 2020, are regarded to be permitted activities with no restrictions under these Directions, unless otherwise indicated in these Directions.
- 6.2 The provisions of these Directions apply to only those specimens of species that are regulated in terms of the National Environmental Management: Biodiversity Act or in terms of applicable provincial conservation legislation.
- 6.3 Culling is permitted.
[subparagraph 6.3 substituted by section 3(a) of [Government Notice 822 of 2020](#)]
- 6.3A Travel within a province with the primary purpose to hunt in order to obtain the meat for consumption is permitted.
[subparagraph 6.3A inserted by section 3(b) of [Government Notice 822 of 2020](#)]
- 6.3B The provision of any form of accommodation for hunting purposes is not permitted.
[subparagraph 6.3B inserted by section 3(b) of [Government Notice 822 of 2020](#)]
- 6.4 Moving, conveying or otherwise translocating of live or dead specimens or products is permissible, including across district, metro or provincial borders, subject to the permit required by the Regulations.
- 6.5 Live wildlife auctions are permitted, subject to the following:
- (a) No more than 50 people may attend the auction, excluding those who participate through electronic platforms;
 - (b) the temperature of each attendee who enters the auction venue must be screened;
 - (c) the auctioneer must keep a register, of each attendee, for track and tracing purposes, containing the following information:
 - (i) name and surname;
 - (ii) physical address;
 - (iii) contact number (home, work and cellular, where possible); and
 - (iv) temperature measured;
 - (d) the auction venue must be disinfected before and after each auction event;
 - (e) all surfaces must be disinfected regularly with a disinfectant containing an alcohol base, which includes the wiping of all handrails that are touched;
 - (f) each person must wear a face mask or a homemade item covering the mouth and nose or another appropriate item to cover the nose and mouth;
 - (g) social distancing of at least 1.5 meters must be maintained;
 - (h) personal contact between individuals must be avoided;

- (i) auctioneers must inform attendees of the auction of the safety and health measures that must be complied with;
- (j) all staff and attendees must—
 - (i) have access to sanitizer and handwash facilities at the auction venue;
 - (ii) wash their hands for at least 20 seconds on a regular basis;
 - (iii) when sneezing, cover their mouths to avoid infecting other persons;
 - (iv) if he or she shows any symptoms associated with COVID-19, be referred for testing and reported to the relevant authorities; and
- (k) translocation of wild animals subsequent to the auction is subject to any applicable legal requirements, including animal health requirements.

[subparagraph 6.5 substituted by section 3(c) of [Government Notice 822 of 2020](#)]

- 6.6 Live or dead specimens or products may be imported into, or exported from the Republic of South Africa, subject to phytosanitary or animal health requirements, and subject to any applicable Directions issued by the Cabinet member responsible for Trade, Industry and Competition.
- 6.7 Persons may apply for new registrations, or for the inclusion of new species to, existing permits and registrations.
- 6.8 All bioprospecting and biotrade activities may continue.
- 6.9 Professional hunting:
 - (a) The conducting of professional hunting courses may continue; and
 - (b) Persons who will not be able to meet the requirements for the renewal of permits to operate as professional hunters and hunting outfitters, will nevertheless be able to renew such permits during or immediately after the national state of disaster, as a once-off waiver of such requirements.

- 6.10 Zoos, aquaria, animal rehabilitation facilities and sanctuaries that are normally open to the public, remain closed to the public.

[subparagraph 6.10 added by section 3(d) of [Government Notice 822 of 2020](#)]

- 6.11 Subject to health protocols botanical gardens may be opened for exercise purposes only.

[subparagraph 6.11 added by section 3(d) of [Government Notice 822 of 2020](#)]

7. Commencement and duration

These Directions come into effect on the date of publication in the *Government Gazette*, and will apply during Alert Level 3.

Annexure 1

Permitting and inspection services to be provided by issuing authorities in terms of the National Environmental Management: Biodiversity Act or any applicable

provincial conservation legislation in respect of the activities contemplated in these Directions for the duration of Alert Level 3 of the national state of disaster

Issuing Authority	Service to be provided	Mechanism for provision of the service
Department of Environment, Forestry and Fisheries	Receipt of applications for permits	<ul style="list-style-type: none"> Permit applications must be submitted by email, for: # TOPS to: topspermit@environment.gov.za # CITES to: topspermit@environment.gov.za; and # AIS to: aispermits@environment.gov.za; BABS Notifications for the Discovery Phase of Bioprospecting or applications for permits for the Commercialisation Phase of bioprospecting, including Biotrade, to: BABS@environment.gov.za.
	Evaluation of permit applications	<ul style="list-style-type: none"> Evaluation of applications for permits for TOPS, CITES and AIS will be conducted electronically; and In respect of applications for BABS permits: # Evaluation of applications for the Discovery Phase of Bioprospecting will be conducted electronically (dedicated officials are available to perform this function); # Preliminary evaluation of applications that require further evaluation by the Bioprospecting Advisory Committee, will be done by the BABS Secretariat electronically (dedicated officials are available to perform this function); and # The Bioprospecting Advisory Committee will evaluate permit applications and make recommendations electronically.

Inspections	<ul style="list-style-type: none"> • Site inspections will be conducted, and where such inspections are required but cannot be conducted, permits will be issued provisionally, subject to a condition that an inspection will be conducted at a later date to be determined by the issuing authority. • No site-visits/ inspections will be conducted for applications requiring recommendation from the Bioprospecting Advisory Committee. • Recommendations from the Bioprospecting Advisory Committee will be processed provisionally, subject to a condition that an inspection will be conducted at a later stage, of which the date will be determined by the issuing authority.
Issuing of permits	<ul style="list-style-type: none"> • Permits for approved applications for TOPS, CITES and AIS will be issued manually by officials In the office; and • Approved BABS permits will be issued manually (dedicated officials are available to perform this function).
Dispatch of permits	<ul style="list-style-type: none"> • Permits for TOPS, CITES and AIS will be dispatched by— # E-mail; or # Collection by courier (for the cost of the permit holder); and • Issued permits and Registered Notifications to be dispatched to the applicant by an email or courier services (dedicated officials are available to perform this function).
Reporting by BABS permit holders	<p>All reports received from the permit holders will be reviewed electronically (dedicated officials are available to perform this function).</p>

	Processing of monetary benefits received in the Bioprospecting Trust Fund	All monetary benefits received in the Bioprospecting Trust Fund will be processed in accordance with the Departmental Financial Policy (dedicated officials are available to perform this function).
North West Province: Department of Economic Development, Environment, Conservation and Tourism	Receipt of applications for permits	Applications must be submitted via the online North West Biodiversity e-permitting system (NIPAS).
	Evaluation of permit applications	Evaluation of applications for permits will be done via the North West Biodiversity e-permitting system (NIPAS).
	Inspections	All site inspections will be conducted during normal office hours.
	Issuing of permits	Permits will be issued via the North West Biodiversity e-permitting system (NIPAS).
	Dispatch of permits	Permits will be dispatched via the North West Biodiversity e-permitting system (NIPAS).
Limpopo Province: Department of Economic Development, Environment and Tourism	Receipt of applications for permits	<p>Applications must be submitted by email to:</p> <ul style="list-style-type: none"> • Head Office: permits@ledet.gov.za; • Capricorn District: moengptm@ledet.gov.za; • Tzaneen District: tshuketanalt@ledet.gov.za; • Klaserie District: wigginslr@ledet.gov.za; • Phalaborwa District deklerkd@ledet.gov.za; • Giyani District: baloyime@ledet.gov.za; • Waterberg District:

		<p># choshiki@ledet.gov.za (Thabazimbi Service Centre);</p> <p># Malherberc@ledet.gov.za (Mokopane Service Centre);</p> <p># mbowenik@ledet.gov.za (Lephalale Service Centre); and</p> <p># Phekokl@ledet.gov.za (Modimolle Service Centre);</p> <p>• Vhembe District:</p> <p># malekasf@ledet.gov.za (Makhado Service Centre); and</p> <p># Makondoh@ledet.gov.za (Musina Service Centre); and</p> <p>• Sekhukhune District:</p> <p># mametjamn@ledet.gov.za; and</p> <p># maeselarp@ledet.gov.za.</p>
	Evaluation of permit applications	Skeleton staff will be in the office to print and evaluate applications.
	Inspections	<p>• To be conducted in respect of:</p> <p># damage-causing animals;</p> <p># any restricted activity involving lion, leopard, rhinoceros and elephant;</p> <p># export of hunting trophies of species included in Appends 1 of CITES; and</p> <p># attendance of de-horning operations on rhinoceros and hunting of elephants by local hunters; and</p> <p>• Where inspections, other than those mentioned above, are required but cannot be conducted, permits will be issued provisionally, subject to a condition that an inspection will be conducted at a later date to be determined by the issuing authority.</p>
	Issuing of permits	<p>• The following permits can be issued:</p>

		<p># Permits for export of CITES hunting trophies to be issued at Head Office;</p> <p># Export of non-CITES hunting trophies; and</p> <p># Other permits for TOPS will be issued at the respective service centres; and</p> <ul style="list-style-type: none"> • Permits will be issued upon receipt of proof of payment, which must be sent by email to the relevant permits office as indicated above.
	Dispatch of permits	Permits can be collected by courier or by permit holders during designated hours.
Gauteng Province: Department of Economic Development, Environment, Agriculture and Rural Development	Receipt of applications for permits	Applications must be submitted by e-mail, to patience.mthembu@gauteng.gov.za .
	Evaluation of permit applications	All applications for permits will be processed upon receipt of fully completed application forms and proof of payment of application fees.
	Inspections	Essential inspections will be conducted
	Issuing of permits	Permits will be issued in respect of approved applications.
	Dispatch of permits	Permits may be collected by courier or will be e-mailed to applicants.
Mpumalanga Province: Mpumalanga Tourism and Parks Agency	Receipt of applications for permits	<ul style="list-style-type: none"> • No applications for permits for TOPS to be issued in terms of the National Environmental Management: Biodiversity Act, will be received. • Applications for permits to be issued in terms of the provincial conservation legislation, must be submitted via the online Mpumalanga Biodiversity e-permitting system (NIPAS).

	<ul style="list-style-type: none"> Where permits cannot be submitted via the Mpumalanga Biodiversity e-permitting system (NIPAS), applications must be submitted by e-mail, to bheki.malaza@mtpa.co.za
Evaluation of permit applications	<ul style="list-style-type: none"> No applications for permits for TOPS will be evaluated in terms of the National Environmental Management: Biodiversity Act. Evaluation of all other applications for permits will be done via the Mpumalanga Biodiversity e-permitting system (NIPAS). Where applications for permits are submitted by e-mail, applications will be evaluated electronically.
Inspections	<ul style="list-style-type: none"> Inspections will be conducted in respect of all applications that involve TOPS. The relevant issuing authority must be contacted for information on any other inspections.
Issuing of permits	<ul style="list-style-type: none"> No permits in respect of TOPS will be issued in terms of the Biodiversity Act. Where applications for permits have been submitted via the Mpumalanga Biodiversity e-permitting system (NIPAS), such permits will be issued via the e-permitting system. Where applications for permits have been submitted by e-mail, permits will be issued manually by skeleton staff. Permits for the establishment of new facilities will be issued in the case where inspections have been conducted prior to the commencement of lock down.
Dispatch of permits	<ul style="list-style-type: none"> Where permits have been issued via the Mpumalanga Biodiversity e-permitting system (NIPAS),

		<p>such permits will be dispatched via the e-permitting system.</p> <ul style="list-style-type: none"> • Where permits have been issued manually, permits will be dispatched electronically or by post.
<p>Eastern Cape Province:</p> <p>Department of Economic Development, Environmental Affairs and Tourism</p>	<p>Receipt of applications for permits</p>	<p>Applications for the following permits must be submitted via e-Permits by logging in or registering on www.eservices.gov.za:</p> <ul style="list-style-type: none"> • Captivity; • Certificates of Adequate Enclosure; and • Export, import, transport and re-export. <p>Applications must be submitted by e-mail, to:</p> <ul style="list-style-type: none"> • Head Office - King Williams Town, for <p># Permits for CITES: noluthando.bam@dedea.gov.za; and</p> <p># Permits for TOPS and professional hunting: bunto.rnzamo@dedea.gov.za;</p> <ul style="list-style-type: none"> • Regional offices, for permits for TOPS and for provincial permits: <p># Alfred Nzo District-Matatiele: Permits-AlfredNzo@dedea.gov.za;</p> <p># Amathole District - East London: Permits-Amathole@dedea.gov.za;</p> <p># Sarah Baartman District-Port Elizabeth: Permits-SarahBaartman@dedea.gov.za;</p> <p># Sarah Baartman District - Port Elizabeth (for research): Luzuko.Dali@dedea.gov.za;</p> <p># Sarah Baartman District - Jeffreys Bay: Permits-Seekoel@dedea.gov.za;</p> <p># Sarah Baartman District-Graaff-Reinet: Permits-GraffReinet@dedea.gov.za;</p>

		<p># Sarah Baariman District - Grahamstown: Permits-Grahamstown@dedea.gov.za;</p> <p># Chris Hani District - Queenstown: Permits-ChrisHani@dedea.gov.za;</p> <p># Joe Gqabi District - Aliwal North: Permits-JoeGqabi@dedea.gov.za; and</p> <p># OR Tambo District - Mthatha: Permits-ORTambo@dedea.gov.za</p>
	Evaluation of permit applications	Skeleton staff will be in the office to evaluate applications.
	Inspections	Inspections will be conducted for urgent applications.
	Issuing of permits	Permits will be issued manually by officials
	Dispatch of permits	<p>Permits will be dispatched by—</p> <ul style="list-style-type: none"> • E-mail; • Collection by courier (for the cost of the permit holder); and • Arrangement by appointment for collection of hunting licenses and TOPS permit books.
Free State Province: Department of Economic Development, Tourism, Environmental Affairs and Small Business Development	Receipt of applications for permits	Applications must be submitted by e-mail via www.eservices.gov.za (to log in).
	Evaluation of permit applications	Skeleton staff will be in the office to print and evaluate applications.
	Inspections	<ul style="list-style-type: none"> • Inspections will be conducted in respect of damage-causing animals; and • Permits will be issued provisionally, with a condition that inspections will be conducted progressively as determined by operational capacity by the issuing authority, at which point the final approval will be given to continue/ discontinue the

		activities that were subject to inspection.
	Issuing of permits	Permits will be issued electronically.
	Dispatch of permits	Permits will be dispatched electronically.
Northern Cape Province: Department of Environmental Affairs and Nature Conservation	Receipt of applications for permits	<ul style="list-style-type: none"> • Applications must be submitted by e-mail, to: bopixdey@gmail.com and pausedavid@gmail.com; and • Applications for permits that have expired during Alert Levels 5 and 4 may be submitted to the issuing authority.
	Evaluation of permit applications	Skeleton staff will be available to evaluate applications electronically.
	Inspections	<ul style="list-style-type: none"> • No inspections will be conducted, except in the case of damage-causing animals threatening human life; and • Where inspections are required but cannot be done, permits will be issued provisionally.
	Issuing of permits	<ul style="list-style-type: none"> • Permits can be issued for any applications that do not require inspections, and where permits require an inspection, these permits will be issued provisionally, subject to a condition that an inspector will be conducted at a later date to be determined by the issuing authority; and • Permits are issued electronically and signed digitally.
	Dispatch of permits	Permits will be e-mailed to permit holders.
KwaZulu-Natal Province: Ezemvelo KwaZulu-Natal Wildlife	Receipt of applications for permits	<ul style="list-style-type: none"> • Applications must be submitted by e-mail to permits@kznwildlife.com; and

		<ul style="list-style-type: none"> • Proof of payment will be required to accompany all applications
	Evaluation of permit applications	<ul style="list-style-type: none"> • Measures are in place for the evaluator of permit applications; and • Staff are working remotely or will be in the office, as and when required
	Inspections	<ul style="list-style-type: none"> • Inspections will be carried out by District Conservation Officers; • Inspections will be conducted in respect of: <ul style="list-style-type: none"> # damage-causing animals; and # export of hunting trophies; and • All applications will be sent to the relevant District Conservation Officers for evaluation and recommendations. Based on these recommendations, permits can be issued without inspection, or with a condition that an inspection will be conducted at a later date to be determined by Ezemvelo KZN Wildlife.
	Issuing of permits	Permits are issued electronically.
	Dispatch of permits	<ul style="list-style-type: none"> • Permits will be e-mailed; and • CITES permits required to be issued in the original may be collected by courier or in person.
Western Cape Province: CapeNature	Receipt of applications for permits	<ul style="list-style-type: none"> • No applications for permits for TOPS, to be issued in terms of the National Environmental Management Biodiversity Act, will be received; and • Applications for permits, to be issued in terms of provincial conservation legislation, may be submitted through the normal channels; i.e. e-mail, online permit system, hand delivery, mail, etc.

	Evaluation of permit applications	<ul style="list-style-type: none"> • No applications for permits for TOPS will be evaluated in terms of the National Environmental Management Biodiversity Act; and • Evaluation of all other applications for permits will be done as per normal procedures; i.e. online and/or in-office as required.
	Inspections	Inspections will be conducted as per normal procedures.
	Issuing of permits	<ul style="list-style-type: none"> • No permits in respect of TOPS will be issued; • Permits for CITES will be issued manually; and • All other permits will be issued electronically or manually. • All permits can be renewed/extended upon application from the client. Any such application is regarded as a new application, for which an application form and application fee must be submitted.
	Dispatch of permits	All permits will be dispatched as per normal procedures and as requested by the applicant (i.e. posted, collected and/or dispatched electronically via e-mail or per online permit system.