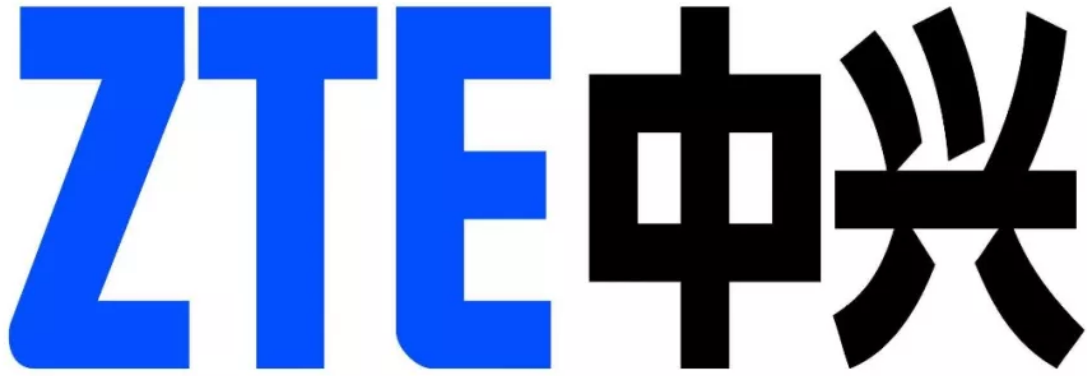


中兴，我能说一句你很（huo）惨（gai）么

原创 2018-04-18 chocolateur 巧克力财经讲堂



巧克力财经讲堂

今天，一则新闻被刷屏，中国高科技龙头企业之一的中兴通讯被美国商务部封杀了。

实话实说，虽然我个人对于中美贸易战不是很乐观，但是也没想到堂堂老美居然早早拉下脸已经开始了堪比当年冷战的制裁措施。

我决定去美国商务部网站一探究竟，想找找到美帝国主义霸权是怎么欺负我们的。结果.....中兴，你让我说什么好。

首先得说一句，封杀的确是封杀了，官方说法如下：

Home

Secretary Ross Announces Activation of ZTE Denial Order in Response to Repeated False Statements to the U.S. Government

Trade and Investment

Trade Enforcement

Posted at 9:49 AM

FOR IMMEDIATE RELEASE

Monday, April 16, 2018

Office of Public Affairs

(202) 482-4883

publicaffairs@doc.gov

Secretary of Commerce Wilbur L. Ross, Jr. today announced that the U.S. Department of Commerce's Bureau of Industry and Security (BIS) has imposed a denial of export privileges against Zhongxing Telecommunications Equipment Corporation, of Shenzhen, China ("ZTE Corporation"), and ZTE Kangxun Telecommunications Ltd. of Hi-New Shenzhen, China ("ZTE Kangxun") (collectively, "ZTE").

说的什么呢，就是说我这个禁令是因为你中兴向美国政府做出多次虚假陈述。

有兴趣的同志们可以去看看禁令原文，地址如下：

https://www.commerce.gov/sites/commerce.gov/files/zte_denial_order.pdf。

看不了的同志公众号回复“禁令上”和“禁令下”可见。

这就有意思了。

事情发展到现在，来龙去脉已经非常清楚，简要叙述如下：

根据美国商务部网站的信息，中兴通讯自2010年1月至2016年4月期间，在美国对伊朗长期实施制裁的情况下，将内含美国制造的受限类配件和软件产品出口到伊朗。最终美国政府对中兴通讯提出的三项指控，包括了串谋非法出口、阻挠司法以及向联邦调查人员做出虚假陈述。双方在2017年3月达成和解，中兴通讯支付约8.9亿美元的刑事和民事罚金，美国商务部工业与安全局对中兴通讯的3亿美元罚金被暂缓，是否支付将依据未来七年中兴对协议的遵守情况而定。

作为和解协议的一部分，中兴向美国承诺，将会裁撤、惩处被证实参与向伊朗售卖禁运设备的39名雇员，同时同意如若未能兑现承诺，除了额外3亿美元罚款立即执行外，美国商务部可修改、推翻此前已中止的限售禁令，执行最高7年禁止美国公司向中兴销售元器件、软件和技术措施。

然而之后美国商务部发现，中兴不仅在2016年与美国的谈判中做了虚假陈述，而且谎称对涉案人员进行纪律处分，甚至这部分参与违法交易的雇员中，有38名先后收到了绩效奖金。

美国商务部长在声明中表示，“这种恶劣行径不容忽视。”

真是令人哑然，中兴在被罚款并告知违反和解后果的情况下，居然直接违反和解内容，不罚你罚谁。美国是真正的法治国家，不是交钱就了事儿的啊！

出于好奇，我翻阅了之前美国商务部对中兴的调查。非常有趣，是一个ppt。下载地址是：

<https://www.bis.doc.gov/index.php/forms-documents/update-2017/2156-zte-the-investigation-settlement-and-lessons-learned-recap/file>

伸手党可以后台回复“ppt”。

我把ppt截图放在下面，英语好的可以直接读，英语不好的，重点我会解读。

BIS UPDATE 2017 CONFERENCE ON EXPORT CONTROLS AND POLICY



October 3 – 5, 2017
Washington, DC



U.S. DEPARTMENT OF COMMERCE • BUREAU OF INDUSTRY AND SECURITY

巧克力财经讲堂

Office of Export Enforcement

ANATOMY OF AN INVESTIGATION

ZTE

封面我就不说了，基本就是对于中兴调查分析。

What was really happening

“Report Regarding Comprehensive Reorganization and Standardization of the Company Export Control Related Matters”

ZTE中兴
机密 Highly Confidential A
中兴通讯股份有限公司文件报批 (阅) 表

标题 (国) 文 件标题	关于全面整顿和规范公司出口管制相关业务的报告			文件类型: <input type="checkbox"/> 正式文件 <input type="checkbox"/> 企业秘密 事项文件
附件	《关于全面整顿和规范公司出口管制相关业务的报告》			急件中 <input type="checkbox"/> 普通件 <input type="checkbox"/>
起草单位	综合部	制文人	陈国平	日期
联系电话	13751147981	审核	部门意见	日期
文件可阅读、使用人姓名表 (请填写以上文件名称)	姓名: 职务: 日期: 签字: 日期: 签字: 日期: 签字:			
解密国家文件内容摘要	除国家文件外, 本文件内容涉及公司出口管制, 按照出口管制法律法规及公司出口管制政策, 公司应立即停止向出口管制清单所列国家、地区和客户出口管制相关产品。			
是否有安全隐患	<input type="checkbox"/> 是 <input checked="" type="checkbox"/> 否	审核单位 (请加盖公章)		
出口管制部门意见	同意, 批准出口 2011.8.5 楼上海路口 口阅			
公司法务部意见 (综合)	19号 8/26/11			
公司法务部意见 (综合)	19号 8/26/11			
总裁审批	19号 8/26/11			

中兴通讯股份有限公司文件报批 (阅) 表 第 1 页
All Rights reserved. No Spreading allowed without Permission of ZTE

ZTE
Secret Highly Confidential A
ZTE Corporation Document Submitted for Ratification (Review) Form

Title of the Document submitted for ratification (review)	Report Regarding Comprehensive Reorganization and Standardization of the Company Export Control Related Matters	Document type: <input type="checkbox"/> Red-head document <input type="checkbox"/> Company system <input checked="" type="checkbox"/> Other document
Attachment	Report Regarding Comprehensive Reorganization and Standardization of the Company Export Control Related Matters	Urgent document <input type="checkbox"/> Regular document <input type="checkbox"/>
Drafted by	Legal Department	Draftsman: GAO, Jianjun Date: August 25, 2011
Contact phone	13751147981	Classification: Department suggestion: For higher authorities to ratify <input type="checkbox"/> read <input type="checkbox"/>
List of people who can read, use the document (apply to secret and above classification)	Director of Legal Department, company leaders	
Synopsis of the document:	As our overseas businesses have grown rapidly in recent years, so have the export control risks. Following Director TIAN and Director QIU's instructions, our compliance policy immediately form a company-level export control project team to study, handle, and respond to our company's current export control risks.	
Need counter-sign: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Counter-sign by (apply to documents that need counter-sign):	
Responsible department's opinion	Agree. Submit to higher authorities for approval. GAO Jianjun (signature) 2011.8.26 For higher authorities to ratify <input type="checkbox"/> read <input type="checkbox"/>	
Company leader's opinion (Director QIU)	Agree. [QIU's signature] 8/26/11 read For peers to ratify <input type="checkbox"/>	
Company leader's opinion (Director TIAN)	Agree. TIAN, Wenqiao (signature) 2011.8.27 For higher authorities to ratify <input type="checkbox"/> read <input type="checkbox"/>	
CEO review approval	Agree. SHI, Liang (signature) 2/9/2011	

All information is property of ZTE. No external dissemination.
All Rights reserved. No Spreading allowed without Permission of ZTE Page 1

Translation



U.S. DEPARTMENT OF COMMERCE • BUREAU OF INDUSTRY AND SECURITY

巧克力财经讲堂

第一页, 上边两张是商务部从拦截到的中兴高管及其秘书处获得的文件。有点小, 标题是《全面整顿和规范公司出口管制相关业务的报告》

这个报告说的什么呢?

What was really happening

“Proposal for Import and Export Control Risk Avoidance – YL as an Example”

ZTE 中兴 (Zhongxing Communication)

进出口管制风险规避方案
——以 YL 为例

目录

- 1. 美国出口管制法规及出口产品清单..... 2
- 1.1 美国出口管制法规..... 2
- 1.2 美国出口管制产品清单..... 2
- 2. 规避管制风险方案——以 YL 为例..... 4
- 2.1 规避方案..... 4
- 2.2 规避方案..... 4
- 2.3 规避方案..... 4
- 2.4 规避方案..... 4
- 2.5 规避方案..... 4
- 2.6 规避方案..... 4
- 2.7 规避方案..... 4
- 2.8 规避方案..... 4
- 2.9 规避方案..... 4
- 2.10 规避方案..... 4
- 2.11 规避方案..... 4
- 2.12 规避方案..... 4
- 2.13 规避方案..... 4
- 2.14 规避方案..... 4
- 2.15 规避方案..... 4
- 2.16 规避方案..... 4
- 2.17 规避方案..... 4
- 2.18 规避方案..... 4
- 2.19 规避方案..... 4
- 2.20 规避方案..... 4
- 2.21 规避方案..... 4
- 2.22 规避方案..... 4
- 2.23 规避方案..... 4
- 2.24 规避方案..... 4
- 2.25 规避方案..... 4
- 2.26 规避方案..... 4
- 2.27 规避方案..... 4
- 2.28 规避方案..... 4
- 2.29 规避方案..... 4
- 2.30 规避方案..... 4
- 2.31 规避方案..... 4
- 2.32 规避方案..... 4
- 2.33 规避方案..... 4
- 2.34 规避方案..... 4
- 2.35 规避方案..... 4
- 2.36 规避方案..... 4
- 2.37 规避方案..... 4
- 2.38 规避方案..... 4
- 2.39 规避方案..... 4
- 2.40 规避方案..... 4
- 2.41 规避方案..... 4
- 2.42 规避方案..... 4
- 2.43 规避方案..... 4
- 2.44 规避方案..... 4
- 2.45 规避方案..... 4
- 2.46 规避方案..... 4
- 2.47 规避方案..... 4
- 2.48 规避方案..... 4
- 2.49 规避方案..... 4
- 2.50 规避方案..... 4
- 2.51 规避方案..... 4
- 2.52 规避方案..... 4
- 2.53 规避方案..... 4
- 2.54 规避方案..... 4
- 2.55 规避方案..... 4
- 2.56 规避方案..... 4
- 2.57 规避方案..... 4
- 2.58 规避方案..... 4
- 2.59 规避方案..... 4
- 2.60 规避方案..... 4
- 2.61 规避方案..... 4
- 2.62 规避方案..... 4
- 2.63 规避方案..... 4
- 2.64 规避方案..... 4
- 2.65 规避方案..... 4
- 2.66 规避方案..... 4
- 2.67 规避方案..... 4
- 2.68 规避方案..... 4
- 2.69 规避方案..... 4
- 2.70 规避方案..... 4
- 2.71 规避方案..... 4
- 2.72 规避方案..... 4
- 2.73 规避方案..... 4
- 2.74 规避方案..... 4
- 2.75 规避方案..... 4
- 2.76 规避方案..... 4
- 2.77 规避方案..... 4
- 2.78 规避方案..... 4
- 2.79 规避方案..... 4
- 2.80 规避方案..... 4
- 2.81 规避方案..... 4
- 2.82 规避方案..... 4
- 2.83 规避方案..... 4
- 2.84 规避方案..... 4
- 2.85 规避方案..... 4
- 2.86 规避方案..... 4
- 2.87 规避方案..... 4
- 2.88 规避方案..... 4
- 2.89 规避方案..... 4
- 2.90 规避方案..... 4
- 2.91 规避方案..... 4
- 2.92 规避方案..... 4
- 2.93 规避方案..... 4
- 2.94 规避方案..... 4
- 2.95 规避方案..... 4
- 2.96 规避方案..... 4
- 2.97 规避方案..... 4
- 2.98 规避方案..... 4
- 2.99 规避方案..... 4
- 2.100 规避方案..... 4

ZTE Zhongxing Communication

Proposal for Import and Export Control Risk Avoidance
—— YL as an Example

Table of Contents

- 1. How U.S. Export Control Impact this Company..... 2
- 1.1 Company Control List..... 2
- 1.2 Export Control Country List..... 2
- 2. How Proposed For Mitigation, the Impact —— Product Substitution Proposal and Commodity Substitution Proposal..... 4
- 2.1 Product Substitution Proposal..... 4
- 2.2 Commodity Substitution Proposal..... 4
- 2.3 Commodity Substitution Proposal..... 4
- 2.4 Commodity Substitution Proposal..... 4
- 2.5 Commodity Substitution Proposal..... 4
- 2.6 Commodity Substitution Proposal..... 4
- 2.7 Commodity Substitution Proposal..... 4
- 2.8 Commodity Substitution Proposal..... 4
- 2.9 Commodity Substitution Proposal..... 4
- 2.10 Commodity Substitution Proposal..... 4
- 2.11 Commodity Substitution Proposal..... 4
- 2.12 Commodity Substitution Proposal..... 4
- 2.13 Commodity Substitution Proposal..... 4
- 2.14 Commodity Substitution Proposal..... 4
- 2.15 Commodity Substitution Proposal..... 4
- 2.16 Commodity Substitution Proposal..... 4
- 2.17 Commodity Substitution Proposal..... 4
- 2.18 Commodity Substitution Proposal..... 4
- 2.19 Commodity Substitution Proposal..... 4
- 2.20 Commodity Substitution Proposal..... 4
- 2.21 Commodity Substitution Proposal..... 4
- 2.22 Commodity Substitution Proposal..... 4
- 2.23 Commodity Substitution Proposal..... 4
- 2.24 Commodity Substitution Proposal..... 4
- 2.25 Commodity Substitution Proposal..... 4
- 2.26 Commodity Substitution Proposal..... 4
- 2.27 Commodity Substitution Proposal..... 4
- 2.28 Commodity Substitution Proposal..... 4
- 2.29 Commodity Substitution Proposal..... 4
- 2.30 Commodity Substitution Proposal..... 4
- 2.31 Commodity Substitution Proposal..... 4
- 2.32 Commodity Substitution Proposal..... 4
- 2.33 Commodity Substitution Proposal..... 4
- 2.34 Commodity Substitution Proposal..... 4
- 2.35 Commodity Substitution Proposal..... 4
- 2.36 Commodity Substitution Proposal..... 4
- 2.37 Commodity Substitution Proposal..... 4
- 2.38 Commodity Substitution Proposal..... 4
- 2.39 Commodity Substitution Proposal..... 4
- 2.40 Commodity Substitution Proposal..... 4
- 2.41 Commodity Substitution Proposal..... 4
- 2.42 Commodity Substitution Proposal..... 4
- 2.43 Commodity Substitution Proposal..... 4
- 2.44 Commodity Substitution Proposal..... 4
- 2.45 Commodity Substitution Proposal..... 4
- 2.46 Commodity Substitution Proposal..... 4
- 2.47 Commodity Substitution Proposal..... 4
- 2.48 Commodity Substitution Proposal..... 4
- 2.49 Commodity Substitution Proposal..... 4
- 2.50 Commodity Substitution Proposal..... 4
- 2.51 Commodity Substitution Proposal..... 4
- 2.52 Commodity Substitution Proposal..... 4
- 2.53 Commodity Substitution Proposal..... 4
- 2.54 Commodity Substitution Proposal..... 4
- 2.55 Commodity Substitution Proposal..... 4
- 2.56 Commodity Substitution Proposal..... 4
- 2.57 Commodity Substitution Proposal..... 4
- 2.58 Commodity Substitution Proposal..... 4
- 2.59 Commodity Substitution Proposal..... 4
- 2.60 Commodity Substitution Proposal..... 4
- 2.61 Commodity Substitution Proposal..... 4
- 2.62 Commodity Substitution Proposal..... 4
- 2.63 Commodity Substitution Proposal..... 4
- 2.64 Commodity Substitution Proposal..... 4
- 2.65 Commodity Substitution Proposal..... 4
- 2.66 Commodity Substitution Proposal..... 4
- 2.67 Commodity Substitution Proposal..... 4
- 2.68 Commodity Substitution Proposal..... 4
- 2.69 Commodity Substitution Proposal..... 4
- 2.70 Commodity Substitution Proposal..... 4
- 2.71 Commodity Substitution Proposal..... 4
- 2.72 Commodity Substitution Proposal..... 4
- 2.73 Commodity Substitution Proposal..... 4
- 2.74 Commodity Substitution Proposal..... 4
- 2.75 Commodity Substitution Proposal..... 4
- 2.76 Commodity Substitution Proposal..... 4
- 2.77 Commodity Substitution Proposal..... 4
- 2.78 Commodity Substitution Proposal..... 4
- 2.79 Commodity Substitution Proposal..... 4
- 2.80 Commodity Substitution Proposal..... 4
- 2.81 Commodity Substitution Proposal..... 4
- 2.82 Commodity Substitution Proposal..... 4
- 2.83 Commodity Substitution Proposal..... 4
- 2.84 Commodity Substitution Proposal..... 4
- 2.85 Commodity Substitution Proposal..... 4
- 2.86 Commodity Substitution Proposal..... 4
- 2.87 Commodity Substitution Proposal..... 4
- 2.88 Commodity Substitution Proposal..... 4
- 2.89 Commodity Substitution Proposal..... 4
- 2.90 Commodity Substitution Proposal..... 4
- 2.91 Commodity Substitution Proposal..... 4
- 2.92 Commodity Substitution Proposal..... 4
- 2.93 Commodity Substitution Proposal..... 4
- 2.94 Commodity Substitution Proposal..... 4
- 2.95 Commodity Substitution Proposal..... 4
- 2.96 Commodity Substitution Proposal..... 4
- 2.97 Commodity Substitution Proposal..... 4
- 2.98 Commodity Substitution Proposal..... 4
- 2.99 Commodity Substitution Proposal..... 4
- 2.100 Commodity Substitution Proposal..... 4

Translation



中兴在目录上赫然写着进出口管制风险规避方案！！
YL代指的就是伊朗

ZTE Corporate Documents

- "[C]urrently our company has on-going projects in all five major embargoed countries – Iran, Sudan, North Korea, Syria and Cuba. All of these projects depend on U.S.-procured items to some extent, so export control obstacles have arisen..." (Report Regarding..., page 2)."
- "At present, the biggest risk is Iran's on-going project(s)...At the end of 2010, our company signed a four-party project contract with Iran customer(s), adopting semi cut-off method, i.e., our company provides our self-manufactured equipment to the customer(s) and our company's cooperating company provides sensitive U.S. procured items to the customer(s)" (Report Regarding..., page 2).
- **"Our company's re-exporting, especially in the Iran project(s), can potentially put us at risk of being put on the Blacklist by the U.S. If on the Blacklist, our company may face the risk of losing the supply chain of U.S. products "** (Report Regarding..., page 2).



U.S. DEPARTMENT OF COMMERCE • BUREAU OF INDUSTRY AND SECURITY



巧克力财经讲堂

报告原文我们无法获取，从美国调查报告来看，中兴在报告中说自己已经在伊朗、苏丹、朝鲜、叙利亚和古巴开展业务，同时也知道对这些国家的业务，尤其是伊朗，如果被美国列入黑名单的话，足以导致被美国切断供应链的后果。

ZTE Corporate Documents

- "Our company has already signed many cooperation agreements with the YL [Iran] Client (YL is one of the countries in the Z Group); and now, these agreements have all entered the project execution phase. Semi-Detached [Business] Model is the cooperation model used on these agreements, and the contracts were signed by four parties (YL Client, ZTE, ZTE YL, and 8S). However, in the actual execution process, our company did not strictly follow the requirements of the Semi-Detached [Business] Model during the operation. Instead ZTE directly assumed the rights and obligations of 8S, and ZTE exported controlled-commodities directly to YL ("Proposal for Import...", page 4)."
- "Our company has many technologies and components that come from suppliers in the US...**Once our company violates the relevant US export control provisions [the USG] might carry out civil and criminal punishments against US suppliers,** which will lead to increased difficulty for our company to obtain the relevant US technologies and components later. ("Proposal for Import..." page 2)."



U.S. DEPARTMENT OF COMMERCE • BUREAU OF INDUSTRY AND SECURITY

巧克力财经讲堂

中兴也提到，如果违反美国出口管制的话，还会对美国的供应商造成惩罚。从这点来看，中兴对后果还是考虑的比较周全的。

ZTE Corporate Documents

- "When our company launches business in the countries of the "Z" Group, [we will] avoid using the names of our company to directly sign contract(s) with client(s) from the countries of the "Z" Group, our company needs to avoid directly exporting products and providing services to these clients...Such operating method is called "Detached [Business] Model ("Proposal for Import...", page 4)."
- "Under the [Completely Detached Business Model]...7S will purchase parts from the U.S. through Kangxun or on its own, and then, resell [the parts] to 8S; 8S will export all the project equipment from China to Dubai and deliver to 10S, and 10S will then reexport the equipment from Dubai to YL and deliver to the YL Client. 9S can purchase parts from the US outside of China and export the parts to Dubai and deliver to 10S, and then transfer the parts to YL ("Proposal for Import...", page 5)."
- **"The biggest advantage of the Completely Detached [Business] Model is that it is more effective, [because it is] harder for the US Government to trace it or investigate the real flow of the controlled commodities;** and in formality, our company is not participating in doing business with the countries of the Z Group ("Proposal for Import...", page 5)."



U.S. DEPARTMENT OF COMMERCE • BUREAU OF INDUSTRY AND SECURITY

巧克力财经讲堂

不过考虑的仔细归仔细，中兴给出的答案居然是通过复杂的转口贸易将货物卖到伊朗。简单看了看，起码倒了五手。

中兴非常自信的认为，这种商业模式可以让美国政府难以追踪货物流向。

说到这里，大家有没有想到中美贸易战中有人还建议转口贸易规避，真当美国人傻啊。。。。

ppt接下来对于这个案子进行了总结，得出了五个结论。第一个就是不要说谎。

Lesson 1

Don't lie

- During a series of meetings between on or about August 26, 2014, and at least on or about January 8, 2016, ZTE represented and stated to BIS special agents and/or to other federal law enforcement agents and agency officials, that the company had previously stopped shipments to Iran as of March 2012, and was no longer violating U.S. export control laws.
- In doing so, ZTE acted through outside counsel who was representing ZTE in connection with the U.S. Government's investigation. ZTE's outside counsel was unaware that the representations and statements that ZTE had given to counsel for communication to the U.S. Government were false and misleading. In addition, and in advance of counsel's meetings with the U.S. Government, senior executives or managers at ZTE had reviewed the representations and statements made by defense counsel on the company's behalf and approved them knowing that they were false and misleading.



U.S. DEPARTMENT OF COMMERCE • BUREAU OF INDUSTRY AND SECURITY

巧克力财经讲堂

同时不要制造虚假记录。

这点老美说得很清楚，中兴用卡塔尔来代替伊朗。在货物发运过程中还采取了各种措施是自己的logo等不出现在送往伊朗的货物上。

Lesson 1

- Don't create false/misleading records
 - ZTE also took other evasive steps... in connection with its Iran transactions, including using "Qatar" as code for "Iran" in documents relating to Iranian transactions, omitting the names of customers from its sales system when those customers were Iranian, and removing or avoiding the use of its logo from or on items, boxes, or documents sent to Iran.



U.S. DEPARTMENT OF COMMERCE • BUREAU OF INDUSTRY AND SECURITY

巧克力财经讲堂

接下来的这个教训就很夸张了。不要毁灭证据。这在美国绝对是重要定罪的依据。关键从时间来看，中兴应该是在被调查后几年才开始销毁证据，不是一般的后知后觉。

Lesson 2

- Don't destroy evidence
 - ZTE engaged in an elaborate scheme to prevent disclosure to and affirmatively mislead the U.S. Government, by deleting and concealing documents and information from the outside counsel and forensic accounting firm that ZTE had retained with regard to the investigation. This scheme included forming and operating a 13-member "Contract Data Induction Team" within ZTE between January and March 2016, that destroyed, removed, or sanitized all materials relating to any transactions or other activities relating to ZTE's Iran business that post-dated March 2012; deleting on a nightly basis all of the team's emails to conceal the team's activities



U.S. DEPARTMENT OF COMMERCE • BUREAU OF INDUSTRY AND SECURITY

巧克力财经讲堂

对了，中兴在被调查的时候组织了一个13人的小组，专门删除相关数据。

Lesson 3

- Don't rely on non-disclosure agreements to cover-up crimes
 - ...requiring each of the team members [of the Contract Data Induction Team] to sign a non-disclosure agreement prohibiting any disclosure relating to the ZTE transactions and activities that the team was tasked with hiding, subject to a penalty of 1 million RMB (or approximately \$150,000) payable to ZTE if it determined that a disclosure occurred.



U.S. DEPARTMENT OF COMMERCE • BUREAU OF INDUSTRY AND SECURITY

巧克力财经讲堂

看到这里，我真是无语，居然想通过签订保密协定来掩盖犯罪事实太幼稚了吧？

Lesson 4

- Don't restart your criminal activity during the investigation
 - Despite the views of ZTE's legal team, in November 2013, following a meeting of senior managers chaired by its then-CEO, ZTE made plans to resume transshipments to Iran. The head of the ZTE Parsian office in Iran was directed to find an established third party with a history of selling to Iran that would agree to sign contracts with Iranian entities directly, enter into a separate contract with ZTE, and then act as shipper to Iran at a reasonable price to ZTE.
 - A committee of ZTE employees was formed to find a willing third party. This strategy was designed to enable ZTE to have a low profile in the transactions while resuming its shipments to Iran in violation of U.S. export control laws, including of the U.S.-origin goods without which the ZTE equipment could not function as called for under their Iranian network contracts.



U.S. DEPARTMENT OF COMMERCE • BUREAU OF INDUSTRY AND SECURITY

巧克力财经讲堂

老美写出来这些教训真是打脸。不要在被调查的时候再次开始犯罪行为。。。我已经无力吐槽。

从现在的公开的情况来看，2012年收到传召函后，中兴内部面临对抗调查还是配合调查的选择，公司也分成了两派：主战还是主和。“主战派”担心公司的声誉财产受损，认为中兴作为一家中国企业应该采取抵抗的态度，不需要配合美国政府的调查。最终，“主战派”占了上风。因此这家公司居然在美国监管机构已经在调查的情况下，于2013年11月决定恢复与伊朗的交易。于是开始了一方面谈和解，一方面顶风作案的艰辛之旅。😞

真不知道主战派现在有何想法？

Lesson 5

- Don't create a written, approved corporate strategy to systematically violate the law
 - ...a ZTE document entitled "Report Regarding Comprehensive Reorganization and Standardization of the Company Export Control Related Matters" which had been drafted by ZTE Corporation's Legal Department, was ratified and signed by four high-ranking ZTE Corporation executives, including ZTE Corporation's CEO, who ratified and signed on or about September 2, 2011.
 - The ratified report described the risks of violating U.S. export control laws in connection with exporting U.S.-origin items to embargoed destinations, including because ZTE had "many technologies and components that came from suppliers in the U.S., [and] therefore, when our export or re-export involves technologies and products of the U.S., they are all monitored and restricted by the U.S. Government" and require that export or reexport licenses be sought and obtained from the U.S. Government.



U.S. DEPARTMENT OF COMMERCE • BUREAU OF INDUSTRY AND SECURITY

巧克力财经讲堂

老美官员还是很可爱，把这点也写出来了。

你说你违法就违法吧，居然要留下组织违法行为的文件；

你说你留下文件就算了吧，还是经过公司各级领导书面签字的文件；

哎。

作为中国科技龙头企业之一，中兴先是被调查却浑然不知；被调查过程中还出具公司官方文件指导如何突破美国出口管制，文件还被人拿到；后来发觉了组织人员毁灭证据，结果让老美发现；最后不得不认罪开始和美国谈和解；谈着谈着又有一帮主战派要“坚决反抗美帝国主义”，顶风作案；结果不争气，顶风作案的证据还被老美拿到。

最夸张的是中兴明明知道违约的处罚是可能形成封杀的顶格处理，居然为了伊朗那点业务至公司存亡于不顾，对于这点我真是无话可说。

以上均来自美国官方文件，稍作解说，不代表任何个人意见。中兴是个好企业，美帝已疯，纯属诬陷！

就先写到这儿吧。

最后欢迎大家关注我的公众号，长按二维码关注：巧克力财经讲堂




我的微博是chocolateuir，平时短消息都在此发布，和公众号互为备份，也欢迎大家关注。



chocolateur

扫一扫二维码图案，关注我吧

 巧克力财经讲堂

投诉