



微信上的中國

喜不喜歡，中國都在那裡。

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全部主題

中國高科技龍頭「中興通訊」遭美國封殺，大陸網民梳理真相，網上瘋傳。

🕒 2018-04-19 📁 全部文章



ZTE 中兴

🍫 巧克力财经讲堂

本文來源：巧克力財經講堂

作者：chocolateur

近日一則新聞被刷屏，中國高科技龍頭企業之一的中興通訊，被美國商務部封殺了。

實話實說，雖然我個人對於中美貿易戰不是很樂觀，但是也沒想到堂堂老美，居然早早拉下臉已經開始了堪比當年

搜尋 ...



相關文章

》中國商務部最新公告：8/15起全面禁止自朝鮮進口煤鐵等產品。

》川普授權調查中國不公平貿易行為，聚焦知識產權；「要求外國公司分享科技秘密，換取進入中國市場。」

》滴滴、uber合併滿月了，給司機們的補貼陸續停了，未來的路怎麼走？

》中國官方宣布，關閉朝鮮實體或個人在中國設立的企業。

》中國大學生消費行為調查報告：大學生月均生活費人民幣1212元，超三成嘆不夠花。

》大陸財經媒體公布最新富人榜，從中窺伺前十人都投

冷戰的制裁措施。

我決定去美國商務部網站一探究竟，想找找到美帝國主義霸權是怎麼欺負我們的。結果.....中興，你讓我說什麼好。

首先得說一句，封殺的確是封殺了，官方說法如下：

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").

巧克力财经讲堂

說的什麼呢，就是說我這個禁令是因為你中興向美國政府做出多次虛假陳述。

有興趣的同志們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

這就有意思了。

事情發展到現在，來龍去脈已經非常清楚，簡要敘述如下：

根據美國商務部網站的信息，中興通訊自2010年1月至2016年4月期間，在美國對伊朗長期實施制裁的情況下，將內含美國製造的受限類配件和軟體產品出口到伊朗。

最終美國政府對中興通訊提出的三項指控，包括了串謀非法出口、阻撓司法以及向聯邦調查人員做出虛假陳述。

雙方在2017年3月達成和解，中興通訊支付約8.9億美元的刑事和民事罰金，美國商務部工業與安全局對中興通訊的3億美元罰金被暫緩，是否支付將依據未來七年中興對協議的遵守情況而定。

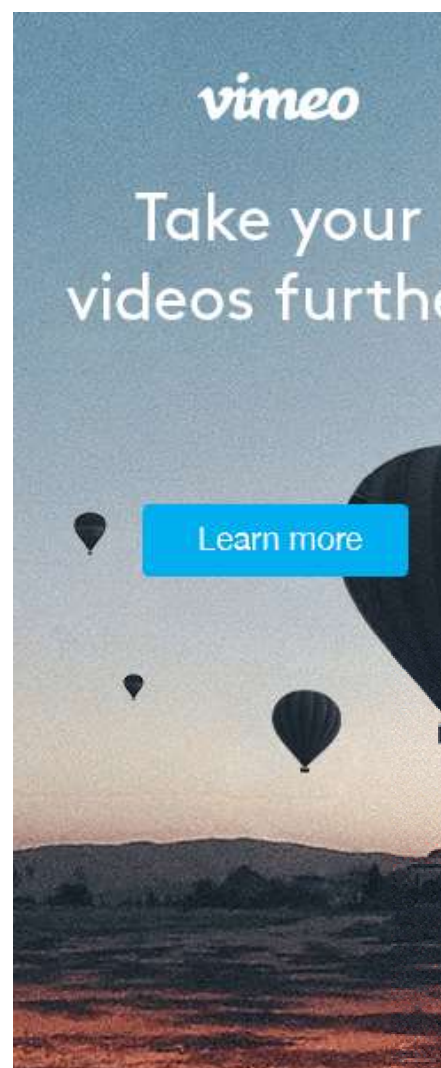
資了什麼？

》河南街頭出現了「友善之牆」，寒冬送暖，有公益、創意，也可商業運作。

》山西某地方政府為推廣農村電商，設「扣達」要各鄉鎮農民安裝app，消息曝光被罵臭頭。

》基於海量用戶數據，微博發表智慧型手機使用報告；三大中國國產手機領先，蘋果、三星敗退。

》中國經濟學人：中國追趕美國的經濟總量，還需17年。



作為和解協議的一部分，中興向美國承諾，將會裁撤、懲處被證實參與向伊朗售賣禁運設備的 39 名雇員，同時同意如若未能兌現承諾，除了額外 3 億美元罰款立即執行外，美國商務部可修改、推翻此前已中止的限售禁令，執行最高 7 年禁止美國公司向中興銷售元器件、軟體和技術的措施。

然而之後美國商務部發現，中興不僅在 2016 年與美國的談判中做了虛假陳述，而且謊稱對涉案人員進行紀律處分，甚至這部分參與違法交易的雇員中，有 38 名先後收到了績效獎金。

美國商務部長在聲明中表示，「這種惡劣行徑不容忽視。」

真是令人啞然，中興在被罰款並告知違反和解後果的情況下，居然直接違反和解內容，不罰你罰誰。

美國是真正的法治國家，不是交錢就了事兒的啊！

出於好奇，我翻閱了之前美國商務部對中興的調查。非常有趣，是一個ppt。下載地址是：

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

我把ppt截圖放在下面，英語好的可以直接讀，英語不好的，重點我會解讀。



經濟學人：中國網路巨頭已經走向全球，BAT如今的全球現況究竟如何



在中國，所謂的【蹭熱點】：當《火之歌》走上中國街頭..



18座中國最美的旅遊廁所，顛覆你像！



中國四合院的詳細圖解，四步進門一步都是文化。



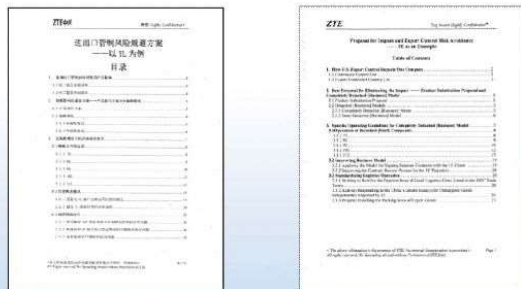
107年國民學西班牙語
萬元補助計畫

馬上申請

喜不喜歡，中國都在那裡。

What was really happening

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



Translation



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

巧克力财经讲堂

▲中興在目錄上赫然寫著進出口管制風險規避方案！！

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).



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巧克力财经讲堂

▲報告原文我們無法獲取，從美國調查報告來看，中興在報告中說自己已經在伊朗、蘇丹、朝鮮、敘利亞和古巴開展業務，同時也知道對這些國家的業務，尤其是伊朗，如果被美國列入黑名單的話，足以導致被美國切斷供應鏈的後果。

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)."



▲中興也提到，如果違反美國出口管制的話，還會對美國的供應商造成懲罰。從這點來看，中興對後果還是考慮的比較周全的。

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)."



▲不過考慮的仔細歸仔細，中興給出的答案居然是通過複雜的轉口貿易將貨物賣到伊朗。簡單看了看，起碼倒了五手。

中興非常自信的認為，這種商業模式可以讓美國政府難以追蹤貨物流向。

說到這裡，大家有沒有想到中美貿易戰中有人還建議轉口貿易規避，真當美國人傻啊。。。。

ppt接下來對於這個案子進行了總結，得出了五個結論。

第一個就是不要說謊。

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.



同時不要製造虛假記錄。

這點老美說得很清楚，中興用卡達來代替伊朗。在貨物發運過程中還採取了各種措施是自己的logo等不出現在送往伊朗的貨物上。

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.



接下來的這個教訓就很誇張了。不要毀滅證據。

這在美國絕對是重要定罪的依據。關鍵從時間來看，中興應該是在被調查後幾年才開始銷毀證據，不是一般的後知後覺。

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



對了，中興在被調查的時候組織了一個13人的小組，專門刪除相關數據。

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.



看到這裡，我真是無語，居然想通過簽訂保密協定來掩蓋犯罪事實...

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.



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巧克力财经讲堂

老美寫出來這些教訓真是打臉。不要在被調查的時候再次開始犯罪行為。。。我已經無力吐槽。

從現在的公開的情況來看，2012年收到傳召函後，中興內部面臨對抗調查還是配合調查的選擇，公司也分成了兩派：主戰還是主和。

「主戰派」擔心公司的聲譽財產受損，認為中興作為一家中國企業應該採取抵抗的態度，不需要配合美國政府的調查。最終，「主戰派」占了上風。



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千里馬行動

瞭解詳情

因此這家公司居然在在美國監管機構已經在調查的情況下，於2013年11月決定恢復與伊朗的交易。於是開始了一方面談和解，一方面頂風作案的艱辛之旅。

真不知道主戰派現在有何想法？

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.



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巧克力财经讲堂

老美官員還是很可愛，把這點也寫出來了。

你說你違法就違法吧，居然要留下組織違法行為的文件；

你說你留下文件就算了吧，還是經過公司各級主管書面簽字的文件；

哎。

作為中國科技龍頭企業之一，

中興先是被調查卻渾然不知；

被調查過程中還出具公司官方文件，指導如何突破美國出口管制，文件還被人拿到；

後來發覺了組織人員毀滅證據，結果讓老美發現；

最後不得不認罪開始和美國談和解；

談著談著又有一幫主戰派要「堅決反抗美帝國主義」，頂風作案；結果不爭氣，頂風作案的證據還被老美拿到。

最誇張的是，中興明明知道違約的處罰是可能形成封殺的頂格處理，居然為了伊朗那點業務至公司存亡於不顧，對於這點我真是無話可說。

以上均來自美國官方文件，稍作解說，不代表任何個人意見。中興是個好企業，美帝已瘋，純屬誣陷！

就先寫到這兒吧。

最後歡迎大家關注我的公眾：巧克力財經講堂



巧克力財經講堂

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新增回應……

**Wingo Wong** · 自雇者員工

i am sure the OP believe there is WMD in Iraq! I also think you believe in Assad use chemical weapon in Douma. LOL. If u believe a cent of what the US government said, you are one of the most uninformed bunch.

讚 · 回覆 · 15分鐘

**Kevin Chiu**

中國冀青五毛：「這些資料全是假的！偉大祖國是神聖不可侵犯的！認為偉大祖國那怕有一點點錯一點點責任的，都是漢奸走狗賣國賊！」

回你的河蟹城牆內打飛機吧！

讚 · 回覆 · 1 · 2小時

**Yee Jing Lau** · 高主教書院

中興高層快唱國歌吧！😄

讚 · 回覆 · 2 · 2小時

**姚傳蒙** · 在Anhui Medical University擔任Dokter

台湾诈骗犯表示不服。

讚 · 回覆 · 2小時

**Cheung Mo-kei** · 北京市

本著國家民族大義，都要義無反顧撐中興，就算中興確實非法出口、阻撓司法及虛假陳述，違反美國法律，那又如何，只要賺到錢就可以，中興支持你，中興賤貨公司，我支持你。

讚 · 回覆 · 2 · 3小時 · 已編輯

載入其他10則留言



中國工業技術

同類文章



他造出了中國第一架飛機，那是1909年，被譽為中國航空之父。



全長近兩千公里的青藏鐵路，完成了「換軌」工程，大幅提高安全性。



中國又要搖掰了-世界第二高的橋即將在貴州完工；第一高也在中國，歐美網友紛紛感嘆。



京滬高鐵是全球最賺錢的高鐵，但中國其他高鐵幾乎都在虧錢，且還在蓋新的。



紐約時報：全球最大汽車市場的中國，傾力支持電動車，驅使各大車廠轉型、共享技術。

武漢開發出一種智慧型垃圾車，能自動收垃圾、分辨垃圾桶。



未來十年，中國無人機產業的規模將達700億元人民幣，各路資本湧入。

中國最高速的「懸掛式」列車試運行，高速、能爬坡，被稱為「城市直升機」。