

罗斯部长宣布对中兴激活拒绝令以回应其反复向美国政府作出的虚假陈述

贸易和投资 贸易执法

发表于 9:49 AM

即时发布

2018 年 4 月 16 日星期一

公共事务办公室

(202) 482-4883

publicaffairs@doc.gov

美国商务部长威尔伯·罗斯今天宣布，美国商务部产业安全局（BIS）拒绝对中国深圳中兴通讯股份有限公司（“中兴通讯”）和中国深圳中兴康讯电子有限公司（“中兴康讯”）（两家统称“中兴”）给予出口特权。

2017 年 3 月，中兴同意接受民事和刑事处罚并支付罚金合计 11.9 亿美元，起因是向伊朗和朝鲜非法运输电信设备，并作出虚假陈述以及采用包括阻止向美国政府披露并肯定地误导美国政府等方式阻挠司法。除了这些罚款之外，中兴还同意被暂缓拒绝 7 年的出口特权，如果协议的任何方面未得到遵守且/或公司进一步违反了《出口管理条例》（EAR），美方将激活拒绝令。

商务部现已确认，中兴于 2016 年和解谈判期间以及 2017 年暂缓制裁期间、就该公司所说的对其高级员工正在采取或已经采取的纪律处分行动向 BIS 作出了虚假陈述。中兴是在 BIS 要求其出示表明已处分过员工的信息和文件后才向美国政府汇报，并作出虚假陈述。

“中兴在最初被发现、列入实体名单后向美国政府作出了虚假陈述，在被给予暂缓制裁时作出了虚假陈述，在暂缓制裁察看期又作出了虚假陈述。”商务部长罗斯说。

这些虚假陈述掩盖了这个事实，即中兴向从事非法行为的员工发放了全额奖金，且没有发出谴责信。

商务部长罗斯说：“中兴误导了美国商务部。中兴非但没有谴责中兴的员工和高级管理人员，反而奖励了他们。这种令人震惊的行为不容忽视。”

拒绝令由工业安全局负责出口执法的助理部长签发，其拒绝向一个公司或个人给予出口特权。拒绝出口特权禁止个人以任何方式参与受 EAR 监管的任何交易。此外，其他企业和个人以任何方式参与和被拒绝方间的受 EAR 监管的出口交易都是非法的。

这是一项监管行动，与任何正在进行的与贸易相关的行动无关。

BIS 是负责针对商业技术和许多军用产品实施并执行出口控制措施的主要部门。BIS 出口执法办公室负责侦查、阻止、调查和协助制裁此类物品的非法出口。想了解更多信息，请访问 BIS 官网 www.bis.doc.gov。

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").

In March 2017, ZTE agreed to a combined civil and criminal penalty and forfeiture of \$1.19 billion after illegally shipping telecommunications equipment to Iran and North Korea, making false statements, and obstructing justice including through preventing disclosure to and affirmatively misleading the U.S. Government. In addition to these monetary penalties, ZTE also agreed a seven-year suspended denial of export privileges, which could be activated if any aspect of the agreement was not met and/or if the company committed additional violations of the Export Administration Regulations (EAR).

The Department of Commerce has now determined ZTE made false statements to BIS in 2016, during settlement negotiations, and 2017, during the probationary period, related to senior employee disciplinary actions the company said it was taking or had already taken. ZTE's false statements only were reported to the U.S. Government after BIS requested information and documentation showing that employee discipline had occurred.

"ZTE made false statements to the U.S. Government when they were originally caught and put on the Entity List, made false statements during the reprieve it was given, and made false statements again during its probation." said Secretary of Commerce Ross.

These false statements covered up the fact that ZTE paid full bonuses to employees that had engaged in illegal conduct, and failed to issue letters of reprimand.

"ZTE misled the Department of Commerce. Instead of reprimanding ZTE staff and senior management, ZTE rewarded them. This egregious behavior cannot be ignored," Secretary Ross said.

Click [HERE](#) to view the denial order.

BACKGROUND:

Denial Orders are issued by the Assistant Secretary for Export Enforcement of the Bureau of Industry and Security, denying the export privileges of a company or individual. A denial of export privileges prohibits a person from participating in any way in any transaction subject to the EAR. Furthermore, it is unlawful for other businesses and individuals to participate in any way in an export transaction subject to the EAR with a denied person.

This is a regulatory action and is unrelated to any ongoing trade-related actions.

BIS is the principal agency involved in the implementation and enforcement of export controls for commercial technologies and many military items. The BIS Office of Export Enforcement detects, prevents, investigates and assists in the sanctioning of illegal exports of such items. For more information, please visit us at www.bis.doc.gov.