

The European Anti-Fraud Office (OLAF) 欧洲反欺诈办公室



Fighting counterfeit goods 打击假冒商品

Meeting with MPS Delegation
11 December 2019, Brussels
中国公安部代表团考察行
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OLAF's Core Business

欧洲反欺诈办公室的核心工作

- The fight against **fraud, corruption** and any **other illegal activity** adversely affecting the European Union **financial interests**;
- 打击**欺诈、腐败**，以及对欧盟**经济利益**造成不利影响的**其他非法活动**；
- As well as any other act or activity by operators in **breach of EU provisions**;
- 打击经营者**违反欧盟规定**的其他行为或活动；
- **Customs specific**: Mutual Administrative Assistance in customs matters - Regulation (No 515/97).
- **海关相关工作**：海关行政互助——欧盟515/97号条例

OLAF's organisation: two core activities

欧洲反欺诈办公室的组织方式：两项核心工作

Investigations (OLAF independent)

调查 (欧洲反欺诈办公室独立开展)

- ▶ EU staff 欧盟工作人员
- ▶ New Financial Instruments 新型金融工具
- ▶ Centralised Expenditure 集中支出
- ▶ External Aid 外部援助
- ▶ Customs and Trade (origin, tobacco & **counterfeiting** 海关与贸易 (原产地、烟草) 和假冒
- ▶ Agricultural Funds 农业资金
- ▶ Structural Funds 结构性资金

Policy (OLAF as part of the EC)

政策 (欧洲反欺诈办公室，作为欧共体的一部分)

- ▶ Development of anti-fraud policies and legislation (from conception to reporting on progress and effectiveness) 制定反欺诈政策与立法 (从概念到汇报进度和有效性)
- ▶ Fraud and corruption prevention 预防欺诈与腐败
- ▶ Assistance to EU Member States 协助欧盟成员国
- ▶ Hercule Programme management 管理 “Hercule” 计划
- ▶ Other, such as international relations related to tobacco products 其他事务，如烟草产品相关的国际关系等

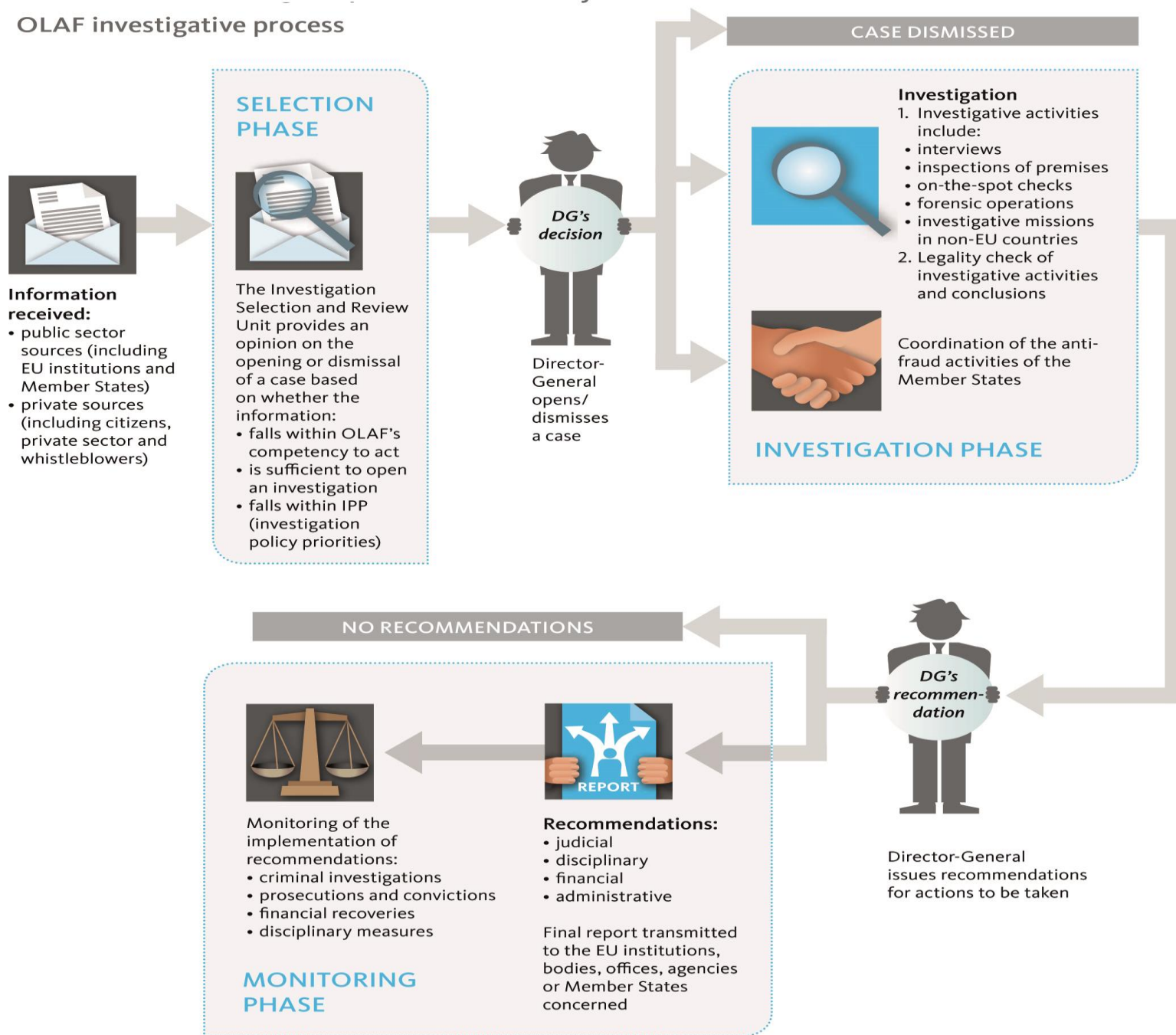
Legal framework 法律框架

- Regulation (CE) n° **883/2013** concerning **investigations** conducted by European Anti-Fraud Office (OLAF regulation);
- **883/2013**号(CE)条例：有关欧洲反欺诈办公室**调查**的条例（《欧洲反欺诈办公室条例》）
- Regulation (EC) No **515/1997** on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters → **Coordination cases & Joint Customs Operations;**
- **515/1997**号(EC)条例：有关成员国之间行政互助以及成员国与欧委员合作的条例，以保障正确运用有关海关和农业事务的法律→**协调案例与联合海关行动**；
- Regulation (EU) **608/2013** concerning customs enforcement of **intellectual property rights;**
- **608/2013**号(EU)条例：有关**知识产权**海关执法的条例；
- Agreements with 79 countries/territories outside the EU on mutual assistance between customs administrations and the European Commission (OLAF).
- 与欧盟以外的79个国家/地区就海关部门和欧委会（欧洲反欺诈办公室）之间的行政互助协议。

Investigations 调查

- OLAF investigators are empowered to:
- 欧洲反欺诈办公室调查员有如下职权：
 - ▮ Collect documents and information in any format that can be used as evidence
 - ▮ 收集可用作证据的任何格式的文件和信息
 - ▮ Gather evidence in the framework of operational meetings
 - ▮ 在行动会议框架内收集证据
 - ▮ Carry out fact-finding missions in Member States
 - ▮ 在欧盟成员国调查事实
 - ▮ Take statements from any person able to provide relevant information
 - ▮ 从能够提供相关信息的人员处获得声明
 - ▮ Conduct interviews with persons concerned or witnesses
 - ▮ 访问涉案人员或证人
 - ▮ Carry out inspections of premises
 - ▮ 对住所实施检查
 - ▮ Carry out on-the-spot checks in Member States
 - ▮ 在成员国进行现场审查
 - ▮ Carry out digital forensic operations
 - ▮ 开展数字法医行动
 - ▮ Carry out investigative missions in third countries
 - ▮ 在第三国执行调查任务

OLAF investigative process



Coordination cases 协调案例

- OLAF provides all necessary assistance to the Member States in the conduct of their investigations by:
- 欧洲反欺诈办公室通过以下方式，为成员国开展调查提供所有必要协助：
 - ▮ Collecting documents and information in any format that can be used as evidence
 - ▮ 收集可用作证据的任何格式的文件和信息
 - ▮ Gathering evidence in the framework of operational meetings
 - ▮ 在行动会议框架内收集证据
 - ▮ Taking the statements from any person able to provide relevant information
 - ▮ 从能够提供相关信息的人员处获得声明
 - ▮ Taking samples for scientific examination
 - ▮ 提取样品进行科学检验
 - ▮ Requesting the execution of concrete activities from involved Member States and other countries
 - ▮ 要求所涉成员国和其他国家开展具体活动
 - ▮ Ensuring investigation synergy among the relevant competent authorities
 - ▮ 保障相关主管部门的调查协同性

Joint Custom Operation 联合海关行动

- Joint Customs Operation – OLAF operational activity
- 联合海关行动——欧洲反欺诈办公室业务活动
- Virtual or Physical Operational Coordination Unit (OCU)
- 虚拟或实体行动协调单元
- Coordination Centre together with Member States, Third Countries and Law Enforcement Agencies.
- 协调中心与成员国、第三国以及执法机关联合
- Three phases (pre-operational, Operational, Post-operational)
- 三阶段 (行动前、行动中、行动后)



Targeting and Risk analysis: Objectives

瞄准目标与风险分析：目的

- Identify qualified targets
- 识别符合条件的目标
- Obtain information (persons, companies, methods, routes and internet details used for smuggling)
- 获取信息（走私所涉及的人员、企业、方法、路径和互联网详情）
- Produce and evaluate risk indicators
- 提出并评估风险指标
- Black lists and specific risk profile tailored for each action
- 列出黑名单，对每项行动进行风险画像



- Share intelligence and exchange information
- 共享情报、交换信息
- → via Virtual Operational Coordination Unit (VOCU)
- → 通过虚拟行动协调单元 (VOCU)
- Produce risk information and profiles (POCU)
- 输出风险信息 and 画像 (POCU)

Cooperation 合作

- **Within the EU 欧盟内部**

- ▶ Authorities – customs authorities, market surveillance, police
- ▶ 政府部门：海关部门、市场监管部门、警方



- ▶ Right holders - BASCAP, AIM, Nestle, P&G...
- ▶ 权利人：BASCAP（打击假冒和盗版商业行动项目）、AIM（欧洲品牌协会）、雀巢、宝洁.....

- **International (customs) cooperation 国际（海关）合作**

- ▶ OLAF Liaison Officers – China, Ukraine and United Arab Emirates
- ▶ 欧洲反欺诈办公室联络官：中国、乌克兰、阿联酋
- ▶ Mutual Administrative Assistance Agreements
- ▶ 行政互助协议
- ▶ EU-China Action on IPR / EU-HK Action Plan on IPR
- ▶ 欧盟-中国知识产权行动/欧盟-中国香港知识产权行动计划
- ▶ Joint Customs (Police) Operations (JCO/JCPO)
- ▶ 联合海关（警察）行动



Restriction IPR cases 知识产权案件的限制

Due to its internal procedures and the limited resources available, OLAF's investigative capacities are only allocated to **significant cases** with specific emphasis on counterfeit goods posing **a risk for the environment or public health and safety**:

受制于内部程序和有限资源，欧洲反欺诈办公室只能调查**重大案件**，而关注重点则是**对环境或公众健康与安全产生风险**的假冒商品：

- ▶ Foodstuff (rum) 食料 (朗姆酒)
- ▶ Car spare parts (air bags, ball bearings, tyres etc.) 汽车备件 (气囊、球轴承、轮胎等)
- ▶ Fast moving consumer goods (shampoo, razor blades etc.) 快消品 (洗发水、剃须刀等)
- ▶ Pesticides 杀虫剂
- ▶ Laundry detergents 衣物洗涤剂
- ▶ Pharmaceuticals / Medicines 药品
- ▶ Computer parts 电脑配件
- ▶ Batteries 电池
- ▶ Etc. 等等

Recent and Upcoming Activities

近期与未来活动

- **OLAF Cases in the IPR sector**

- **欧洲反欺诈办公室在知识产权领域的案件**

- ▶ counterfeit pesticides, pharmaceuticals, semi-conductors, auto spare parts (including airbags), ball bearings, coffee, laundry detergents, shampoo, razor blades, shoe insoles, chain saws, rum etc.
- ▶ 假冒杀虫剂、药品、半导体、汽车备件（包括气囊）、球轴承、咖啡、衣物洗涤剂、洗发水、剃须刀、鞋垫、链锯、朗姆酒等

- **Ongoing Projects 进行中的计划**

- ▶ Rail ('New Silk Road' – One Belt, One Road Initiative)
- ▶ 铁路（‘新丝路计划’：一带一路）
- ▶ EURO 2020
- ▶ 欧盟2020战略
- ▶ EU Action Plans China & Hong Kong
- ▶ 欧盟-中国&中国香港行动计划

- **Lastest JCO's 最近的海关联合行动**

- ▶ ASEM JCO HYGEA 亚欧会议“海吉亚”海关联合行动
- ▶ CCWP JCO POSTBOX II 海关合作工作组“邮箱II”海关联合行动



EU Action Plans Hong Kong & China

欧盟-中国&中国香港行动计划

- ▶ Managed by DG TAXUD
- ▶ 由税务与海关同盟总司管理
- ▶ EU Member States → China:16 and Hong Kong: 13
- ▶ 欧盟成员国→中国：16、中国香港：13
- ▶ Exchange of information via AFIS between customs authorities of EU and China/Hong Kong on IPR seizures (air and sea) → referrals
- ▶ 欧盟和中国/中国香港的海关部门，通过AFIS系统交换有关侵权货物扣押的信息（空运、海运）→移交
- ▶ AFIS = Anti-Fraud Information System = OLAF's secure network for exchange of information between the EC, EU Member States and 3rd countries
- ▶ AFIS = 反欺诈信息系统 = 欧洲反欺诈办公室为促进欧共体、欧盟成员国和第三国之间信息交换而建立的安全网络

Results JCO Postbox II

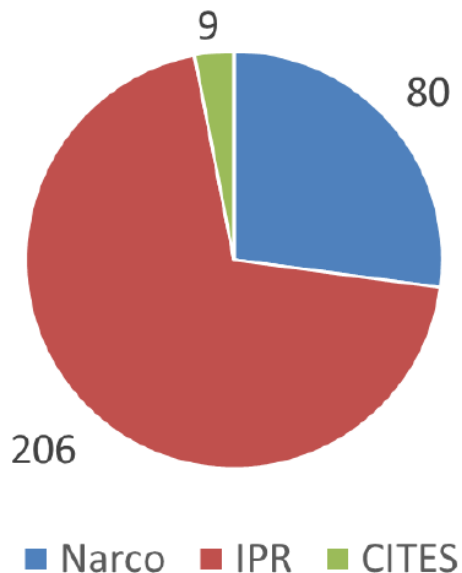
“邮箱II” 海关联合行动

- ▶ Belgian customs and supported by OLAF and EUROPOL
- ▶ 比利时海关，获得欧洲反欺诈办公室和欧洲刑警组织的支持
- ▶ International low value shipments of parcels and envelopes → postal and express couriers
- ▶ 国际低值包裹与邮件的运输→邮政和快递
- ▶ Fighting online trafficking drugs, counterfeit goods – including medicine – and endangered animal and plant species (CITES)
- ▶ 打击通过网络贩卖毒品、假冒商品（包括药品）、濒危动植物（《濒危野生动植物种国际贸易公约》）的行为
- ▶ Identification of producers, shippers, customers and resellers
- ▶ 识别生产商、发货商、顾客和转卖商
- ▶ 2,300 seizures of which 80% counterfeit products – also illegal medicines and drugs
- ▶ 2,300次查缴，其中80%涉及假冒产品，也有违禁药品及毒品

Postbox II results based on EU risk profiles

基于欧盟风险画像得出的“邮箱II”成果

295 reports linked to
European risk profiles



European risk profile		#
IPR	SHOES	59
	CLOTHES	36
	MEDICINES	31
	WATCHES	24
	BAGS	20
	COSMETICS	17
	CAR PARTS	11
	MOBILE PHONES	7
	LABELS EMBLEMS	1
CITES	MEDICINS	7
	SEAHORSES	2
NARCOTICS	SYNTHETIC	62
	CANNABIS SEEDS	7
	PRECURSORS	5
	KHAT	4
	NPS	1
	MUSHROOMS	1
Total		295

OLAF CASES – FAKE/MISUSED MEDICINES

欧洲反欺诈办公室案例：假药/滥用药品种

- Based on the information and evidences collected during POSTBOX II JOINT CUSTOMS OPERATION
- 基于“邮箱II”联合海关行动中收集的信息和证据
- 21 March 2019: seizure of counterfeit anti-cancer medicines imported to the EU from a third country
- 2019年3月21日：缴获第三国出口到欧盟的假冒抗癌药
- AM Communication: Risk profiles updated in all the Member States. Risk profiles based on the information collected within the JCO and other MS intelligence.
- AM Communication: 所有成员国更新风险画像，以联合海关行动中收集的信息和其他成员国的情报为依据
 - Consignors – description of goods – destination countries – declared value of the shipments – weight
 - 发货人-商品描述-目的地-货物申报价值-重量
- Several shipments stopped in the EU and in third countries
- 在欧盟和第三国截获数批货物
 - Supplement to the AM Communication with new information to update the risk profiles
 - 将新信息补充给AM Communication，更新风险画像

Thank you for your attention.
感谢聆听。