

Declaration of Intent to prevent the maritime transportation of counterfeit goods

Preamble

We, the signatories to this Declaration, acknowledge the destructive impact of the international trade in counterfeiting¹ on economic growth, employment, security and the health and safety of consumers.

We condemn the fact that counterfeiters employ subterfuge to access and exploit the global logistics supply chain which damages our businesses and compromises our reputations.

We recognize that counterfeiting is a significant part of the wider scourge of global illicit and illegal trade² and we call on others in the maritime transport industry to address this issue through continuous proactive measures, and corporate social responsibility principles.

We will not knowingly facilitate or tolerate the carriage of counterfeit products; and we acknowledge that all our companies can benefit from adopting the measures set out below.

We are willing to collaborate, within the limit of available resources, through joint working groups to develop a detailed series of non-binding measures or best practices to be implemented in relation to the terms below, to promote this Declaration across the maritime transport/shipping sector and to encourage all others in the sector to sign it.

¹ Organisation for Economic Co-operation and Development (OECD) study, *Trade in Counterfeit and Pirated Goods: Mapping the Economic Impact* (April 2015) highlights that trade in counterfeit and pirated goods has grown from US\$250 billion annually in 2008 to more than US\$461 billion in 2013. According to these findings, counterfeit products now represent more than 2.5% of all world trade, including 5% of all imports into the European Union.

² Illicit trade encompasses a wide variety of illegal trading activities beyond counterfeiting, including illicit “white” tobacco products, human trafficking, environmental crime, illegal trade in natural resources, arms and weapons and narcotics, smuggling of excisable goods, illegal pharmaceuticals and crop protection products, trade in substances that cause health or safety risks, and a variety of illicit financial flows. The illicit trafficking of counterfeit goods is often linked to other serious crimes. Europol has warned that counterfeiting is an increasingly attractive avenue for organized crime to diversify their product range and evidence suggests that criminal networks use similar routes and modus operandi to move counterfeit goods as they do to smuggle drugs, firearms and people. (UN Office of Drugs and Crime, *The Illicit Trafficking of Counterfeit Goods and Transnational Organized Crime* (2014); Europol, *Serious and Organised Crime Threat Assessment* (2013); United Nations Interregional Crime and Justice Research Institute, *Confiscation of the Proceeds of Crime* (2012); OECD *Illicit Trade Review* (2016); US Department of State, *The Global Illicit Trade in Tobacco, A Threat to National Security* (2015).

Principles

A. Zero tolerance policy regarding counterfeiting

1. Implement applicable international, regional and national rules and mutually agreed standards aimed at preventing the carriage of counterfeit products.
2. Inform all customers and sub-contractors of these commitments and our zero-tolerance policy towards counterfeits.
3. Ensure compliance with all applicable laws, regulations and rules including, but not limited to, those relating to customs regulation.

B. Supply chain controls

1. Apply appropriate due diligence measures, such as *Know Your Customer* processes.
2. Include appropriate conditions prohibiting the carriage of counterfeit products.
3. Take appropriate steps in order to ensure there is no cooperation with companies, entities or individuals with serious or proven involvement in counterfeiting.
4. Encourage, wherever deemed appropriate by the signatory, the implementation of similar measures by other players in the extended supply chains.

C. Risk profiling

1. Apply specific vigilance measures and common early warning indicators in order to identify high-risk shipments of counterfeits.
2. Cooperate in order to review and refine, when appropriate, pre-agreed criteria by all signatories for screening and early warning indicators of counterfeits.

D. Raising awareness and conducting training

1. Increase awareness about the nature, scale, and consequences of counterfeiting and refrain from dealing with criminal actors who exploit maritime transport infrastructures to carry out a wide range of illicit and illegal trade.
2. Improve the training of staff within the transport sector to enable them to report suspected counterfeit activity.

E. Sharing information and cooperating

1. Identify a point of contact for each signatory to coordinate with national and supra-national authorities.
2. Support processes developed by competent authorities such as the World Customs Organization and national customs agencies to aid the detection and seizure of counterfeit products.
3. Contribute to information exchanges between the parties on detection and seizure of counterfeit products, subject to compliance with (i) signatory's relevant contractual obligations, such as those pertaining to confidentiality of customer information, and (ii) applicable laws and regulations, including but not limited to, competition and data protection laws.
4. Cooperate and collaborate with competent law enforcement authorities on any investigations relating to the carriage of counterfeits.

F. Non-binding terms

This Declaration of Intent is a voluntary and non-binding statement of the signatories' mutual intent to prevent, to the best of their abilities, to the extent possible and in compliance with all applicable laws including competition laws, the maritime transportation of counterfeit goods. The Declaration of Intent is not intended to create any legally enforceable rights or obligations in respect of any signatory, including any obligation on their part to enter into any additional binding agreements.

Signatories

Signatories to this Declaration are delineated in Annex I



Annex 1 of the Declaration of Intent to prevent the maritime transportation of counterfeit goods

Signatories

TRADE ASSOCIATIONS

INTERNATIONAL CHAMBER OF COMMERCE BUSINESS ACTION TO STOP COUNTERFEITING AND PIRACY (BASCAP)

NAME: Jeffrey Hardy

TITLE: Director

Signed

A handwritten signature in blue ink, appearing to read 'J Hardy', is written over a horizontal line. The signature is cursive and somewhat stylized.

[INTERNATIONAL CHAMBER OF COMMERCE BUSINESS ACTION TO STOP COUNTERFEITING AND PIRACY]

ICC COMMERCIAL CRIME SERVICES (CCS)

NAME: Pottengal Mukundan

TITLE: Director

Signed

A handwritten signature in black ink, appearing to read 'Pottengal Mukundan', is written over a horizontal line. The signature is cursive and somewhat stylized.

[ICC COMMERCIAL CRIME SERVICES]

CROPLIFE INTERNATIONAL

NAME: Howard Minigh

TITLE: President & CEO

Signed



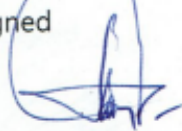
[CROPLIFE INTERNATIONAL]

INTERNATIONAL FEDERATION OF FREIGHT FORWARDERS ASSOCIATIONS (FIATA)

NAME: Jean-Claude Delen

TITLE: Treasurer

Signed



[INTERNATIONAL FEDERATION OF FREIGHT FORWARDERS ASSOCIATIONS]

COMPANIES

BAYER AG

NAME: Bernd Naaf

TITLE: Head Business Affairs & Communication

Signed



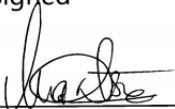
[BAYER AG]

CHANEL

NAME: Marianna Nitsch

TITLE: Secretary General

Signed



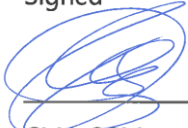
[CHANEL]

CMA-CGM

NAME: Mathieu Friedberg

TITLE: VP Commercial & Agency Network

Signed




CMA CGM

DUPONT

NAME: Timothy P. Glenn

TITLE: President, DuPont Crop Protection

Signed



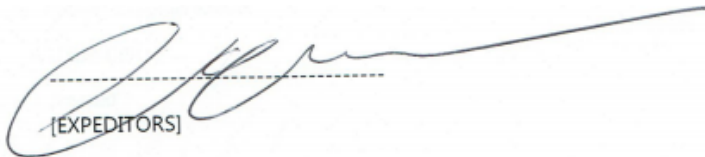
[DUPONT]

EXPEDITORS

NAME: Kees Wagenaar

TITLE: Senior Vice President, Europe

Signed




[EXPEDITORS]

KUEHNE+NAGEL

NAME: Otto Schacht

TITLE: Executive Vice President Sea Logistics

Signed



[KUEHNE+NAGEL]

LACOSTE

NAME: Jérôme Le Bleis

TITLE: Operations Director

Signed



[LACOSTE]

MAERSK

NAME: Carsten Frank Olsen

TITLE: Sr. Director

Signed



[MAERSK]

MEDITERRANEAN SHIPPING COMPANY SA (MSC)

NAME: Claudio Bozzo

TITLE: COO

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[MSC]

PFIZER INCORPORATED

NAME: Danny Hendrikse

TITLE: VP Intercompany Operations

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[PFIZER INCORPORATED]

PHILIP MORRIS INTERNATIONAL (PMI)

NAME: Hafed Belhadj

TITLE: Vice President Supply Chain

Signed



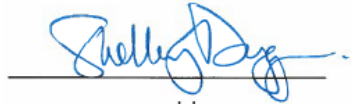
[PHILIP MORRIS INTERNATIONAL]

PROCTER & GAMBLE INCORPORATED

NAME: Shelley Duggan

TITLE: Director, Associate General Counsel – Global Brand Protection Leader

Signed



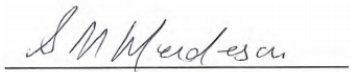
[PROCTER & GAMBLE INCORPORATED]

RICHEMONT INTERNATIONAL SA

NAME: Sheila Henderson

TITLE: Chief Intellectual Property Counsel

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[RICHEMONT INTERNATIONAL SA]

UNILEVER PLC

NAME: David Hughes

TITLE: EVP Supply Chain SEAA & UAPL

Signed



[UNILEVER PLC]