

Особенности ведения бизнеса с IBM

Режим санкций

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Повестка

- Программы поддержания продаж
- Правила соблюдения условий поставки
- Санкции и правила экспортного контроля (Sanctions and ERO)



ПРОГРАММЫ ПОДДЕРЖАНИЯ ПРОДАЖ

В рамках программы по продвижению продуктов Storwize выделяется отдельно поддержка продажи VersaStack

- 250\$ купон за продажу V5000
- 500\$ купон за продажу V7000
- **1000\$** купон за продажу Storwize в составе **VersaStack**

<http://www.ibmstorageclaims.com/>

Демо-программа общие требования

- Оборудование должно предназначаться для функционального тестирования, либо для адаптации программного обеспечения сторонними производителями ПО.
- Не могут использоваться в качестве продуктивных систем и работать за деньги.
- В запросе на получение скидки необходимо четко описать цели приобретения оборудования, будущий проект (что, когда, сколько)
- IBM вправе отказать в приобретении Демо-системы без объяснения причин
- Демо-системы можно предоставлять заказчику на срок не более чем 3 месяца

Демо-программа для System Storage

Ограничение: 1 система одного типа/модели в течении 6 месяцев

Исключение: XIV (максимум 3 системы за 12 месяцев, одна система в целях репликации или зеркалирования данных)

Тип оборудования	Скидка
DS8870, XIV, TS3500, etc SVC, DCS3700, etc. Storwize V7000, V7000 Unified, V5000	80%
FlashSystems 900, v9000	85%
Storwize V3700	60%
System SW	100%
Software Maintenance	50%

Категории продуктов Storage Systems

Категория	Продукты	Авторизация
S1 “Entry”	DCS 3700, 3860 FlashSystems , 900, v9000	Закрытая #selective
	TS3100, TS3200 TS3500, TS4500 Storwize V3700	
	GPFS, LTFS, TLCM, SmartCloud STG, TPC, FlashCopy Manager	
S2 “SVC Family”	Storwize V5000, V7000, Unified Storwize SVC DH8, CG8	Закрытая #selective
S3 “High-End”		Закрытая #selective

К нам едет ревизор!

В каких случаях и за какой информацией может и будет обращаться ИБМ:

- предварительно, если запрашивается спеццена (SBO) – процесс Pre-Shipment Remediation;
- после отгрузки оборудования в заказчика – процесс Post-Shipment Remediation;
- в рамках регулярных ежегодных проверок – процесс Business Partner Compliance Review или аудит;
- в рамках аудитов и расследований

внутри компании.



Санкции и правила экспортного контроля

Sanctions & ERO

Темы:

1. Почему это важно для компании ИБМ?
2. Санкции и виды санкций
 - 2.1 Прямые санкции
 - 2.2 Секторальные санкции— фин сектор
 - 2.3 Секторальные санкции— нефтегаз сектор
 - 2.4 Секторальные санкции— силовики
 - 2.5 Крымский регион
3. Ссылки
4. Полезно знать

Почему это важно для ИБМ

Complying with export regulations supports IBM's core value of Trust and personal responsibility in all relationships!

Violations of these regulations jeopardize IBM's reputation, and puts exporting privileges at serious risk. It may result in civil or criminal penalties, or the loss of IBM's privilege to export, re-export, or deliver products and services outside the United States.

Criminal Penalties:

Violations with intent may result in
20 yr imprisonment
\$1 million fine /violation

Civil Penalties:

Violations with or without intent result in
\$250,000 USD or twice value of transaction
(whichever is greater)

Failure to comply may ultimately result in IBM's export privileges being denied and our export authorizations being revoked!

Criminal Penalties:

Trend = convictions are increasing every year

↑ In 2012 BIS Convictions-27
In 2014 BIS Convictions-35

Civil Penalties:

Penalties are in the millions \$\$\$...
actually billions!

Highest civil penalty in history was last year
Largest bank in France settled for \$9 billion,
as a result of violations for doing business
with Cuba, Iran and Sudan!

Современные технологии и санкции

Supporting IBM's CAMSS STRATEGY

- Export regulations still apply to all: Cloud, Analytics, Mobile, Security and Social; remember export controls cut across the board.

- With new units, interrelation between units, integration & rearrangement of units' menu of products & offerings, and using various platforms to deliver and engage with our customers – the practice of DUE DILIGENCE IS IMPERATIVE to ensure continuation of IBM's solid reputation!

- IBM is scaling its agile way of working – so that we respond faster to customers' needs, provide solutions that are valuable to them and ultimately deepen our relationship with them. COMPLIANCE PROGRAM that ENABLES IBM to WORK IN an AGILE WAY without SACRIFICING IBM's relationship with governmental and regulatory actors!!!



Cloud



Big Data and Analytics



Mobile



Social Business



Security

2.1 Прямые санкции



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220



▪ Direct Sanctions mean that no business is possible with **a list of certain entities and individuals** and the entities in which the sanctioned entities own **more than 50% stake**.

▪ Consequently, any entity owned in the aggregate, directly or indirectly, 50 % or more **by one or more blocked persons** is itself considered to be a blocked person

▪ It is advised to act with caution when considering a transaction with a non-blocked entity in which one or more blocked persons has a significant ownership interest that is less than 50 percent or which one or more blocked persons may control by means other than a majority ownership interest.

➔ No business with entities is allowed: contracts/proposals/shipments/open opportunities/etc with the customers from this list should be STOPPED.

➔ No contract signature by listed individuals is allowed

«United Shipbuilding Corporation»

If any of these clients from OSK Group belongs to OSK or others from sanction list for more than 50% - no business is allowed, even if not listed in sanctions.

«Sogaz»

32,30%	LLC IK ABROS, which is owned by Bank Rossiya
40,23%	Gazprom and its subsidiaries
12,50 %	LLC Kordeks
12,47%	LLC Akcept
2,5%	Sogaz group

2.2 Секторальные санкции— фин сектор

OFFICE OF FOREIGN ASSETS CONTROL DIRECTIVE 1 (AS AMENDED)¹ UNDER EXECUTIVE ORDER 13662

....(1) all transactions in, provision of financing for, and other dealings in new debt of longer than 30 days maturity or new equity of persons determined to be subject to this Directive, their property, or their interests in property; and (2) all activities related to debt or equity issued before the date of this Directive 1 (as amended) that would have been prohibited by the prior version of this Directive 1.....



- No financing > 30 days for listed entities
- No financing > 90 days for listed Oil&Gas companies
- BP GoldPlan 60 days is still in place, for 30 days-clients – **Financial Certificate (Statement)** needs to be signed by distributor
- Every transaction requires **ERO/STC review** regardless financing and payment terms

Financing Statement

Reference: [Insert a transaction number or other identifier for the deal]

[Company] hereby affirms with respect to the above-referenced transaction the following:

- [Company] is not offering payment terms or financing terms of greater than 30 days directly to the end user; and
- To the best knowledge of [Company], the payment terms and financing terms offered to the end user are independent of the payment terms and financing terms offered by IBM to [Company].

We certify that all the facts contained in this statement are true and correct to the best of our knowledge. By signing below, I represent that I am duly authorized to sign on behalf of [Company].

Name

Title

Company

Date

Listed Entity (including entities in which the Listed Entity has a 50% or greater ownership)	Maximum Payment Terms/ Financing
AK Transneft OAO	90
Bank of Moscow	30
Gazprombank OAO	30
OAO Novatek	90
OJSC Gazpromneft	90
Rosneft Oil Company	90
Rostec	30
Russian Agricultural Bank	30
Sberbank of Russia	30
Vnesheconombank	30
VTB Bank OAO	30

Oboronprom	30
United Aircraft Corporation	30

2.3 Секторальные санкции— нефтегазовый сектор

OFFICE OF FOREIGN ASSETS CONTROL

DIRECTIVE 4 UNDER EXECUTIVE ORDER 13662

... the following activities by a U.S. person or within the United States are prohibited, except to the extent provided by law or unless licensed or otherwise authorized by the Office of Foreign Assets Control: the provision, exportation, or reexportation, **directly or indirectly**, of goods, services (except for financial services), or technology in **support of exploration or production for deepwater, Arctic offshore, or shale projects** that have the potential to produce oil in the Russian Federation, or in maritime area claimed by the Russian Federation and extending from its territory, and that involve any person determined to be subject to this Directive, its property, or its interests in property....



- ◆ Confirmation from the customer is required of no direct or indirect involvement of IBM products in Directive 4 activities
- ◆ HR, Financial, Accounting end-use at entities involved in **deepwater, Arctic offshore, or shale projects** is considered as indirect support

Gazprom, OAO
Gazpromneft
Lukoil, OAO
Rosneft
Surgutneftegas

Gazprom Capital —
 Gazprom —
 GazpromNeft Shelf

2.4 Секторальные санкции—силовой сектор

The EU has prohibited dual use goods, technology, and related services from being sold in Russia for a military **end use** or a military **end user**.

- This applies when IBM believes the items may be intended in whole or in part for the military end use or military end user.
- Any goods for any use by the Russian military will be considered a military end use.



Initial points to clear up when submitting cases:

- ◆ **"Preponderance"** in customer's activities (breakdown in military and civilian activities 90/10 %).
- ◆ **End Use Certificate** — official statement on customer's letterhead signed by an authorised representative
- ◆ Separation - clear understanding on **physical, logical and operational separation** between military and civil production . In form of an official confirmation - letter (or included in the EUC)

2.5 Секторальные санкции— Крымский регион

On January 29, 2015, the US Bureau of Industry and Security (BIS) announced new US export regulations that effectively **prohibit the delivery of all items** subject to the US Export Administration Regulations (EAR) to anyone in the **Crimea region**. This includes services associated with the sale, delivery, and maintenance of these items.



- No deliveries/services/etc to the Crimea region
- No transactions with customers registered in the Crimea Region
- Potential risk in engagements with government agencies/entities is high as many have representative offices in the Crimea

3. Полезные ссылки

Because IBM is a US Company, IBM, including all of its subsidiaries, must act in accordance with the laws of the United States. Those laws are dictated by the following agencies:

•US Department of Commerce

<http://www.bis.doc.gov/index.php/policy-guidance/lists-of-parties-of-concern/denied-persons-list>

<http://www.bis.doc.gov/index.php/policy-guidance/lists-of-parties-of-concern/12-policy-guidance/list-parties-of-concern/113-unverified-list>

<http://www.bis.doc.gov/index.php/policy-guidance/lists-of-parties-of-concern/entity-list>
[Crimea region of Ukraine - Bureau of Industry and Security](#)

•US Treasury Department

<http://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx>

Ukraine-/Russia-related Sanctions:

<http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx>

•US Department of State

<http://pmddtc.state.gov/compliance/debar.html>

Полезно знать

✓ Complying with export regulations relates directly to IBM's core value of **Trust and personal responsibility** in all relationships.
You are supporting IBM's Purpose, Values & Practices by complying with Export Regulations



✓ **ALL** of our deliveries are subject to US export regulations

✓ **Every IBM employee** is responsible for ensuring IBM remains in compliance. **Do not Self-Blind!**

While you are not obligated to make additional inquiries, you may not stop the normal flow of information to prevent learning relevant information.

The conscious disregard of facts or the willful avoidance of facts will be considered knowledge.

Knowledge of an actual or potential export violation needs to be reported immediately to your local Export Regulations Coordinator.

✓ Exporting is a **privilege**, not a right!

Violations of these regulations jeopardize IBM's good reputation, and put our exporting privilege at serious risk! In addition, it can cause countless ramifications such as revenue loss for IBM, employee terminations, etc.

Hot Topic

Импортозамещение

- Правда ли что OEM-контракт это выход?
- OpenPower Community это выход?

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Вопросы по Deal Registration,
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Общие вопросы по работы партнеров с ИБМ

ASKIBM@ru.ibm.com



KEEP
CALM
AND
CARRY
ON