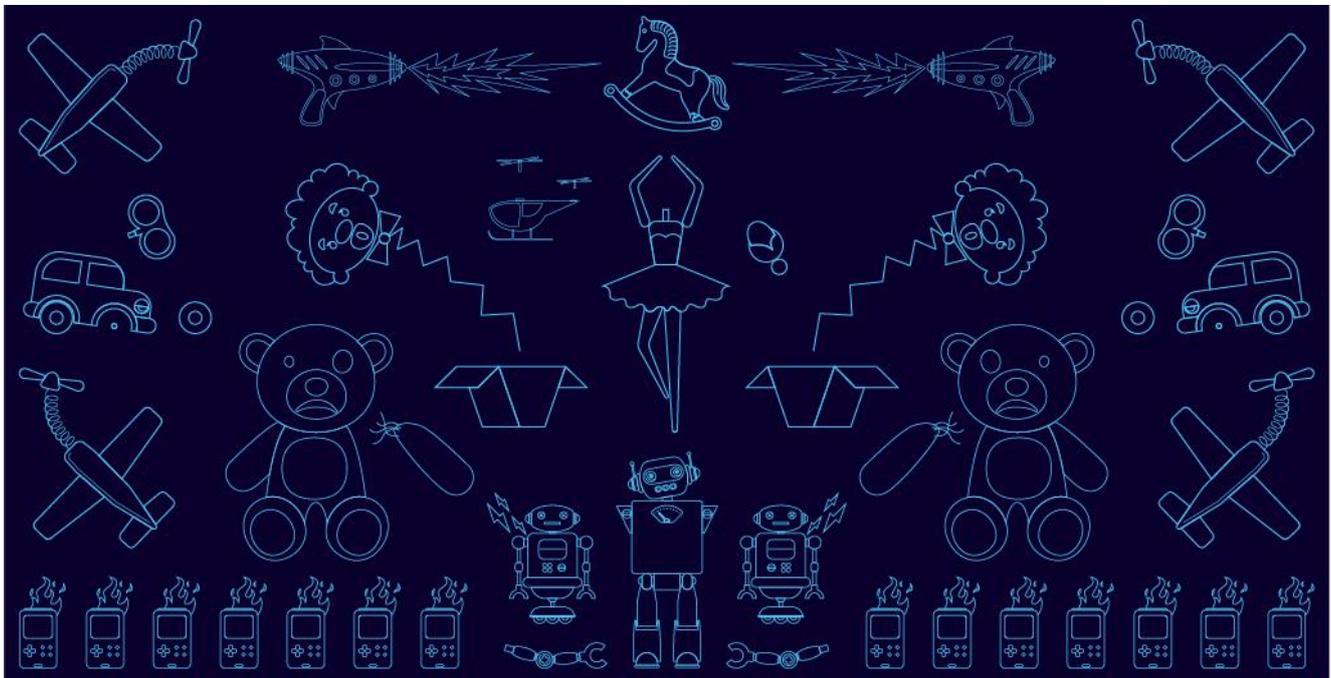


Operation LUDUS I: targeting counterfeit and other illicit toys

Understanding the criminality behind fake toys

Analysis report



AUTHORS



IPC³ ■ Intellectual Property
Crime Coordinated Coalition

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Acronyms and abbreviations

Acronyms	
EU MS	European Union Member State
TP	Third Party Country
IPR	Intellectual Property Rights
LEA	Law Enforcement Agency
OCG	Organised Crime Group
Organisations and institutions	
EU	European Union
EUIPO	European Union Intellectual Property Office
IPC³	Intellectual Property Crime Coordinated Coalition
OLAF	European Anti-Fraud Office
TIE	Toy Industry of Europe

Executive summary

Key results of the operation:

- Nearly 5 million illicit toys seized, including more than 470 000 counterfeit toys (mostly trademark violations)
 - Total value of seizures exceeded EUR 16 million
 - 4 768 inspections carried out
 - 44 127 samples of toys tested in laboratories for harmful chemicals
 - 125 judicial cases opened
 - 11 individuals arrested
-

Operation LUDUS I was the first international law enforcement operation ever led against counterfeit toys. Coordinated by Europol and supported by the European Anti-Fraud Office (OLAF) and the European Union Intellectual Property Office (EUIPO), it involved the participation of 24 countries and carried out operational activities from 19 October 2020 to 31 January 2021.

Results reported by participating countries and key criminal trends affecting the toy market

- The majority of goods seized (two thirds) are toys for infants, i.e. the most vulnerable members of the population, who are also the most exposed to the dangers associated with these illicit toys (choking, burning and toxicity hazards).
- The provision of supplies, including raw material, for the toy market was disrupted by the COVID-19 crisis, creating opportunities for illegal suppliers to propose cheaper alternatives to retailers to maintain their stocks.
- The primary source of counterfeit toys remains the illegal import of finished products ready for sale, despite the clandestine assembly sites which are on the rise within the EU as well.
- Large shipments of illicit toys are being used to conceal other kinds of illegal goods, especially drugs.
- Non-EU companies exporting counterfeit toys into the EU Member States (EU MS) often split large shipments into smaller ones to evade detection. This way, customs officers can only detect a few hundred illegal packages in each container.
- Most of the Intellectual Property Rights (IPR) infringements detected are connected with the illicit use of trademarks.

Key challenges and recommendations identified by Europol based on these operational results

- Inspections carried out on the basis of identified crime indicators led to better results in comparison with random checks (i.e. these inspections had a higher detection rate). For this reason, Europol recommends intelligence-driven law enforcement actions and prevention measures. This would also help to counteract the difficulties law enforcement agencies face in increasing controls of the supply chain, due to shortages in enforcement resources dedicated to IPR.
- The appearance of new trade routes and new e-commerce/retailer platforms is a sign of growth in the illegal trade of toys. Law enforcement should use this risk indicator for clear targeting of risk-associated suppliers, retailers and customers.

- The cooperation between authorities and the toy industry should be strengthened, in particular with major toy suppliers and retailers, as such engagement would yield better results, including larger seizures.
- The organisation of national enforcement campaigns and internationally coordinated operations is an effective way of keeping track of evolving criminal trends in the sector and facilitating international cooperation, both among law enforcement agencies and with the private sector.
- Consumers have a key role to play in limiting the demand, and consequently the supply, of toys that are cheaper but that might be non-compliant with regulations. Actions to raise awareness and accountability among consumers should be implemented by the diverse stakeholders involved in the toy industry and its protection (consumer associations, brand owners, retailers, law enforcement agencies, governments, etc.).

Building on the success of Operation LUDUS I, Europol has continued to develop deterrence measures and preventative actions against the sale of fake toys. This has been achieved by monitoring criminal trends in the toy sector and supporting Member States in further investigations carried out in 2021 and early 2022, and also by implementing awareness campaigns targeting European consumers.

Key actions resulting from LUDUS I include the launch of a second edition of the operation involving more countries, and a European-wide communication campaign reaching over 4 million consumers, both carried out during the 2021-2022 holiday season. A better understanding of the threats at stake also supported the creation of a chapter on counterfeit toys in the 2022 Intellectual Property Crime Threat Assessment, jointly published by Europol and the EUIPO in March 2022.



Illustration from the awareness campaign carried out during the 2021-2022 holiday season, resulting from LUDUS I

I. Introduction

The need to address fake toys from a law enforcement perspective

Children’s security and health are currently threatened by high numbers of counterfeit and other substandard toys that illicit traders are selling to generate an easy profit.

As they do not respect safety regulations, these so called ‘fake toys’ introduce serious health risks into consumer’s homes, exposing those most vulnerable – namely children – to the risk of electric shocks, burns, choking hazards and toxicity.

In 2020, the United States Consumer Product Safety Commission reported that toy-related injuries treated at emergency rooms between 2013 and 2019 were estimated to range from 198 000 to 251 700 yearlyⁱ.

In addition to the public health issue they present, fake toys generate profits which benefit the criminal networks behind their production, transport and sale. Moreover, counterfeiters and illegal traders jeopardise legitimate toy industries and their employees, exacerbating socio-economic issues.

A detailed study carried out on the economic cost of counterfeit toys by the EUIPO in 2015ⁱⁱ highlighted the widespread nature of the problem, finding that economic losses were estimated at:

<p>12.3 % of sales by the sector</p>	<p>EUR 1.4 billion of annual revenue by the sector</p>	<p>EUR 850 million of sales in related sectors</p>
<p>6 150 direct jobs</p>	<p>13 168 direct and indirect jobs¹</p>	<p>EUR 370 million of government revenue</p>

¹ Loss of revenue in the toy industry implies that the sector will subsequently generate lower demand for goods and services from its suppliers (e.g. transportation, raw material, etc.), causing sales declines and subsequently affecting employment opportunities in other sectors. The indirect loss of jobs and ‘sales in related sectors’ referred to in the figure is based on this observation.

This trend appears to have risen in recent years, as customs data revealed in 2019 and 2020. In 2019, toys were the fourth category of counterfeit products most frequently seized at the EU's external borders (9.6 % of seized articles).ⁱⁱⁱ In 2020, toys were among the main types of products detained because of design infringement (along with packaging material) and copyright infringement (along with clothing).^{iv}

In addition, information regularly collected by consumer associations and non-profit organisations, and alerts reported by legitimate toy brand owners, provide substantive open-source intelligence on the scale of the issue. In fact, the random purchase of toys systematically reveals that the vast majority of purchased toys are illicit or unsafe. A 2020 study by Toy Industries of Europe (TIE)^v reported that among 193 non-branded toys randomly purchased from third-party-sellers on online marketplaces, more than 97 % did not comply with strict EU toy safety rules and 76 % of 134 toys that were safety tested had defects that made them dangerous for children. Similarly, in 2021 the British Toy and Hobby Association tested 255 toys randomly bought on online marketplaces accessible in the United Kingdom; 88 % were reported as illegal and 48 % as unsafe for children.

Although information is available on the sale of these illegal toys, there is still a significant gap in intelligence regarding criminals' modus operandi, structure and networks. The role of law enforcement is essential in the fight against this illicit trade threatening families and businesses. This will lead to the exposure of the criminal enterprises in question and to a better understanding of the risk indicators, which will make it easier to target this crime.

Based on this observation and on the growing numbers of suspicious activities reported by EU MS and the private sector in 2019 and 2020, Europol raised the issue to a new priority level in 2020 in the fight against intellectual property crime.

Through its [Intellectual Property Crime Coordinated Coalition](#) (IPC³), Europol addresses counterfeit crime by providing operational and technical support to law enforcement agencies in EU Member States and other countries. Monitoring criminal trends and emerging counterfeiting threats is key to this work and allows for targeted law enforcement actions. This aims to safeguard consumers against dangerous substandard products, and to fight the economic threat counterfeit goods represent, as they deprive the economy of 2.5 % of world trade according to 2019 data. In total, imports of fake goods into the EU amounted to up to 5.8 % of all imports, with an overall value of EUR 119 billion.^{vi}

As part of its mandate, Europol's IPC³ launched Operation LUDUS in 2020, targeting fake toys.

The operational phase of LUDUS I was carried out in October 2020 – January 2021, and a second edition was opened in 2021-2022.

II. Operational framework

Launching the first European-wide law enforcement operation against fake toys

2.1. Operational goals

Operational target

The products targeted by Operation LUDUS I were counterfeit toys.

In its general definition, a toy is any product designed or intended to be used as a plaything by children under 14 years (whether exclusively or not). If a product is defective, does not work properly, or is showing differences in its shape, functions or even the packaging and labelling, it could be counterfeit.

During the preparatory phase of the operation, a threat assessment was produced by Europol to identify specific targets such as the types of toys most exposed to counterfeiting risks. Based on the threat assessment, card games, dolls and action figures were confirmed to be the most targeted goods by criminal organisations.

Operational objectives

- Protecting public health, in particular by reducing children’s exposure to health risks associated with illicit toys.
- Disrupting organised crime groups involved in the trade of counterfeit toys.
- Enhancing the following three key levels of cooperation in the fight against intellectual property crime:
 - international law enforcement cooperation;
 - national cooperation between police and customs units;
 - cooperation of law enforcement agencies with private partners from the toy industry.

2.2. Operational stakeholders and their roles

International coordination role

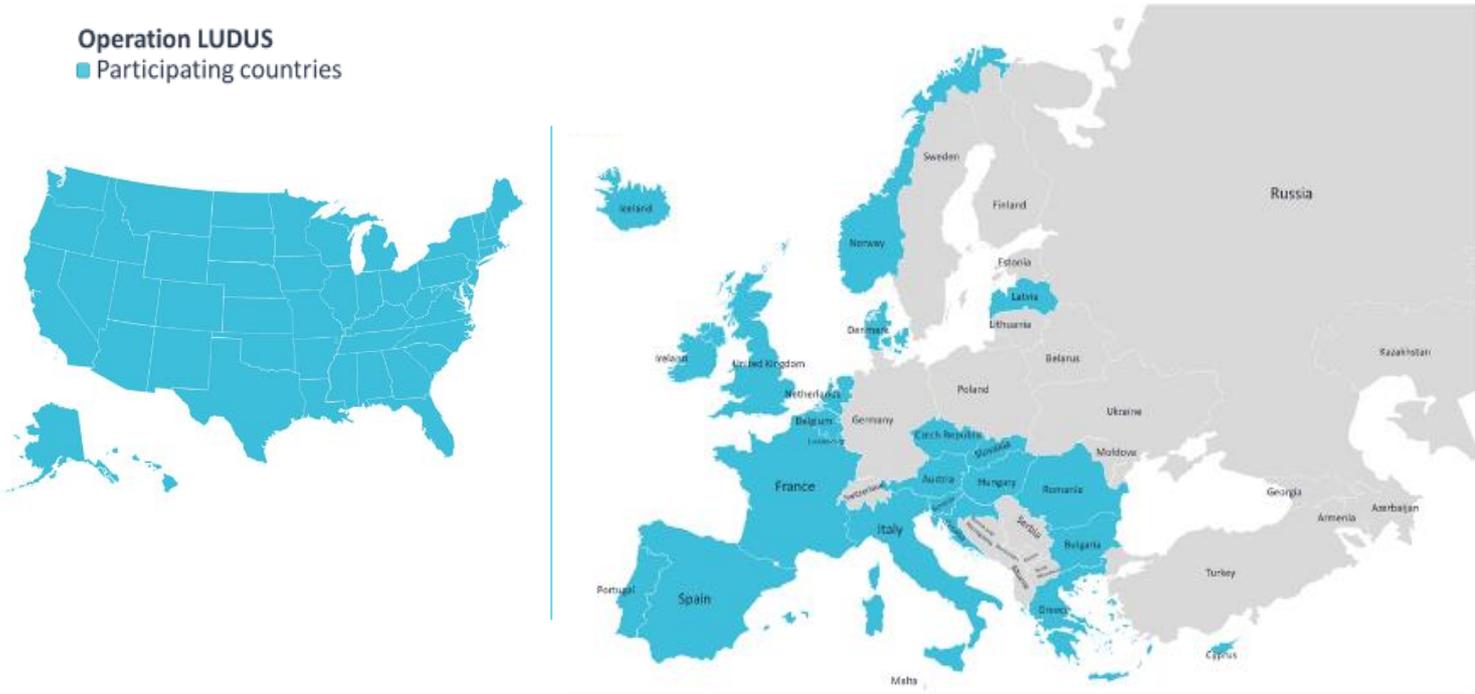
The operation was coordinated by Europol and supported by the European Anti-Fraud Office (OLAF) and the European Union Intellectual Property Office (EUIPO), with the joint leadership of Spain and Romania.

Participating countries

The operation saw the participation of 24 countries, including:

- **20 EU Member States:** Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, France, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, the Netherlands, Portugal, Romania, Slovak Republic, Slovenia, and Spain.
- **4 Third Party Countries:** Iceland, Norway, United Kingdom, and the United States.

Figure 1. Countries participating in Operation LUDUS I



Private partners

Europol launched a call for interest to private companies and organisations associated with the toy industry, to ask them to join the operational effort on a voluntary basis. A good level of response was received and the participation of private partners has created the possibility to monitor specific markets.

Overall, private partners shared their knowledge of their brands or products. This enhanced operational results by:

- providing intelligence and risk assessments on their products during the pre-operational phase;
- supporting ongoing cases at the national level;
- providing expertise when needed.

Each private partner made a list of relevant contact points available according to the relevant geographical area. During the operational phase, IPC³ established good communication with the toy industry which also helped to clarify some borderline cases.

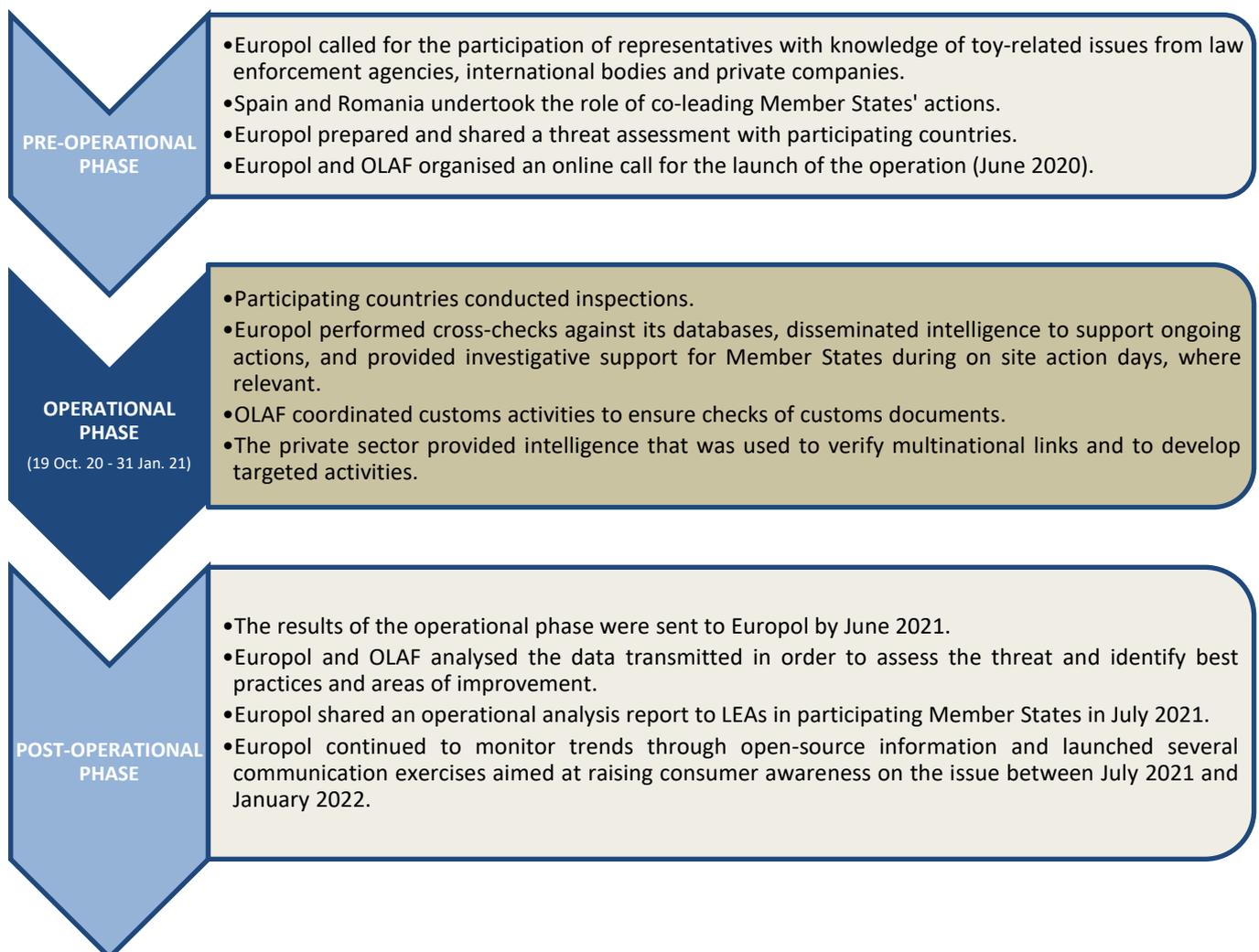
2.3. Operational timeline

Despite the impact of the COVID-19 pandemic, the implementation of the LUDUS I operational plan was executed as planned from 19 October 2020 to 31 January 2021. These operational dates were strategically chosen to cover the peak period for the purchase of children’s toys, i.e. before and during the holiday season.

Festivities such as Halloween or Christmas significantly increase the potential for criminal activity due to the rising demand for toys, and the difficulties families encounter in finding the desired toys in time or for a price that meets consumers’ expectations.

The operation was divided into three phases, as described below.

Figure 2: Operation LUDUS I timeline in three phases



III. Operational results

Confirming the vast scale of the criminal enterprise behind the sale of fake toys

The figures and trends described in this section come from the analysis of the operational results and specific cases reported from participating countries to Europol during the post-operational phase of LUDUS I.

3.1. Actions deployed and general results

All participating countries carried out checks throughout their national territories. The whole chain of supply was examined, and seizures were made at production sites, during the transportation phase or at the distribution and selling points of illicit toys.

During the operation, participating LEAs carried out a significant number of actions and targeted all channels of distribution, including online sales, leading to important results including the seizure of a significant amount of counterfeit and substandard toys. Actions implemented and results obtained are described below in Figure 3.



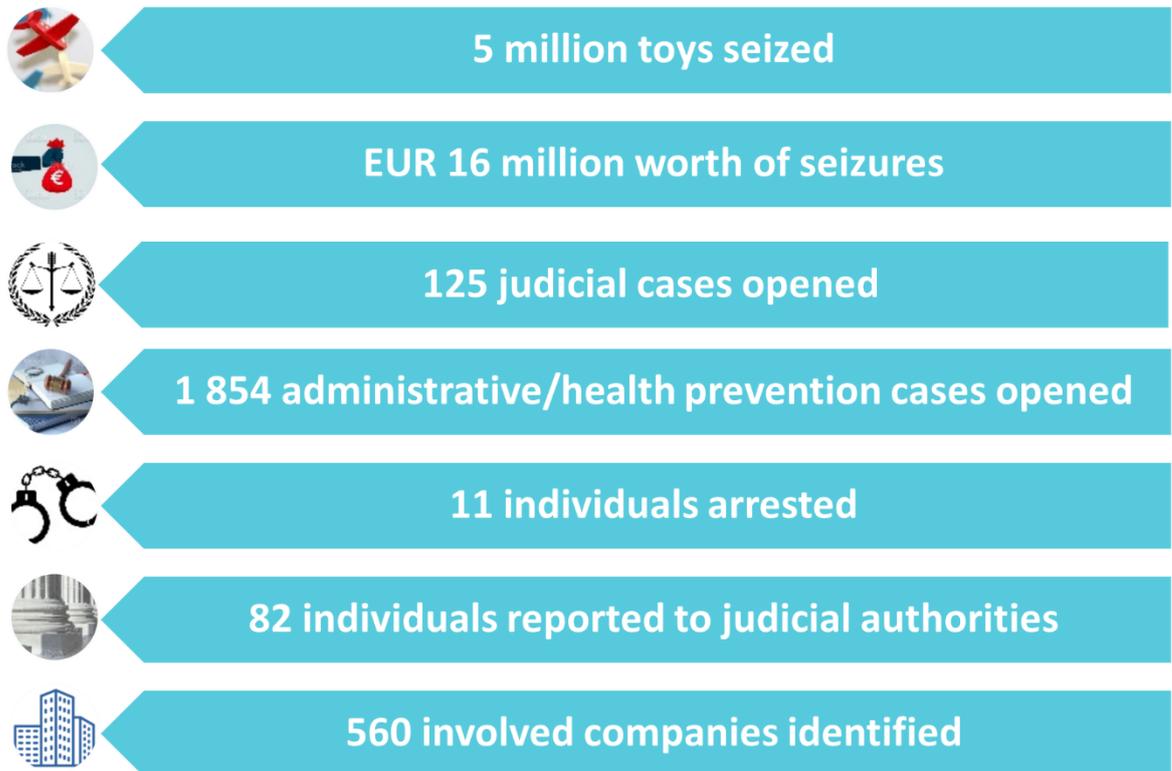
Large seizure of illicit toys by the Italian authorities during LUDUS I.

Figure 3: Overview of Operation LUDUS I actions and results

Actions



Results



3.2. Offences detected

Case illustration:

Results include:

- 2 800 dolls seized in Italy and 8 000 toy cars seized in Belgium which posed a choking hazard
- More than 5 000 plastic toys containing a toxic chemical that could damage children's health seized in Spain
- Several other electronic devices which exceeded legal decibel limits for toys, and could therefore permanently damage a child's hearing, confiscated in various countries

Toys were seized because they were illegally shipped or sold, found in breach of safety standards, and/or counterfeit. Around 10 % of the total 5 million illicit toys seized were counterfeit toys, violating the Intellectual Property Rights (IPR) from a brand owner. This represents quite a high proportion for this crime area. The IPR infringements detected mostly concerned the illicit use of trademarks.²

The vast majority (90 %) of the toys seized were associated with health hazards (see case illustration³).

Offences found in relation to the seized toys included the following elements, which could serve as crime indicators to identify illicit toys.

Labels that are mandatory but were missing included:

- CE mark⁴,
- electrical safety label (if the toy contains electronics),
- age grade,
- address and/or country of origin,
- EU address,
- warning sign,
- safety instructions.

For example, seizures included toys without packaging or toys sold in a clear plastic bag (without any label/indications).

Detected mislabelling issues included:

- misspelled brand names,
- other spelling mistakes,
- multiple bar codes,
- overrated age grade (e.g. indicating 0-5 instead of 0-3),
- the name of the product and brand in the listing and in the photos are different.

Device hazards associated with the seized toys included:

- small detachable parts that can be swallowed, such as small magnets (e.g. neodymium magnets which have strong magnetic strength),
- long cords, ribbons and drawstrings (risk of strangulation),
- low quality batteries/batteries sold at a price much lower than market price (risk of burning hazard),
- finger traps (e.g. in a toy driving mechanism),
- missing battery compartment screws which could cause further failures (e.g. electric shocks),

² This result is in line with findings from the analysis of 2020 customs data in the EU, revealing that trademark infringements correspond to the largest share of all IPR violations (76.3 % of counterfeit items seized) according to the European Commission and the EUIPO's joint study referred in endnote (iv).

³ Further details of the cases detected in Spain can be found in the following press release from the Spanish Guardia Civil, accessible at <https://www.guardiacivil.es/es/prensa/noticias/7794.html>

⁴ Products without the CE mark may also include objects such as novelty items and decorative figurines, intended to be used as toys and not safe for children to play with.

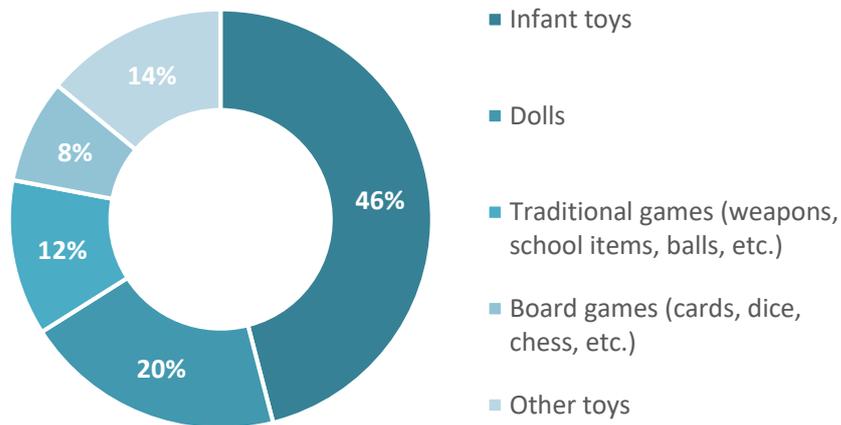
— missing parts.

3.3. Types of illicit toys seized

A large variety of toys was found during the operation, although some clear trends could be determined. The distribution of the types of toys seized in Figure 4 shows that the majority of illicit toys concern infant toys and dolls (60 %). This highlights that counterfeiters do not hesitate to target the most vulnerable demographics, in this case young children.

Due to their increased demand during the festive period, expensive branded toys and toys featured in popular children’s TV shows were a particular target. Electronic toys were less frequently found during the operation.

Figure 4. Types of illicit toys seized during Operation LUDUS I



* ‘Other’ includes categories of toys which each represented less than 3 % of all seizures, such as action figures (3 %), executive toys (3 %), car and radio controlled toys (2 %), creative toys (1 %), puzzle/assembly toys (1 %), electronic toys (less than 1 %), etc.

3.4. Routes of the illicit trade

Most seizures originated from countries where toy manufacture is a major industry, in particular from Asia, showing that the illegal trade in toys mainly uses the same shipping lanes as the legitimate market. However, some shipments were also reported from North America, the Middle East as well as intra-European shipments. Intra-European shipments detected were typically from central Europe to western Europe and some shipments were transported within western European countries (i.e. assembly and sale took place in the same country).

The illegal importation of finished products ready to be sold remains the primary source of counterfeit toys, however intra-EU clandestine assembly sites are on the rise.

Non-EU companies exporting counterfeit toys into EU MS often split their large shipments into smaller ones to evade detection. This way, customs officers could detect only a few hundred illegal packages in each container.

The operation also revealed that larger shipments of toys could be used to conceal other kinds of illicit goods (especially drugs).

Transit countries were also observed to play an increasing role.

IV. The way forward

Building on identified challenges and good practices

The operation allowed law enforcement to identify some key challenges in detecting fake toys and in reinforcing the toy trade more generally. Emerging trends in counterfeit trades such as increased digitalisation were reflected in the operational challenges faced by national authorities in the field. Europol's IPC³ has subsequently identified several requirements as well as some best practices to face these challenges.

4.1. The challenge of traceability as online trade and small parcel purchases significantly increase

The high volume of toys traded during the holiday season, along with other types of goods such as electronics, luxury goods, etc., represent a particular challenge for customs control. Only some of the traded goods can be inspected, either through random checks or through targeted inspections.

Risk indicators identified through this operation and additional threat assessments help customs and other competent authorities to better target containers for inspection and thus increase detection rates. However, as the majority of fake toys originate from the same export countries as genuine ones, more specific risk indicators than trade routes are needed to target this type of illicit trade. In addition, physical inspection and sometimes laboratory testing can be necessary to identify illicit chemicals and other defects in fake toys.

The operation also confirmed that the illicit trade in fake toys relied heavily on the rise of online trade, including on e-commerce platforms as well as social media and instant messaging services, a phenomenon that has surged during the COVID-19 pandemic. Both genuine and illicit toys are increasingly sold by physical retailers via these online platforms, and delivered by postal services. This significant increase in small parcel shipments traded across borders represents an inspection and control challenge for customs authorities, an opportunity that toy counterfeiters have been seizing. In

addition, the limited application of the principle of ‘know your business customer’ online (the ‘KYBC’ principle) has led to a lack of traceability of third-party sellers. This creates a challenge for law enforcement in identifying the counterfeiters and dismantling their networks.

4.2. The need to develop more specific risk indicators and expand the collaboration with the private sector and consumers

The operation highlighted the following needs across law enforcement and the private sectors.

1 / Continuing to engage with law enforcement authorities and raising the profile of the crime area

To face the rapidly evolving character of the counterfeit trade and its fast digitalisation in recent years, **frequent trend analysis** is a key tool to better identify criminal networks relying on the sale of illicit toys.

For this purpose, Europol has recently jointly published the Intellectual Property Crime Threat Assessment 2022 with the EUIPO. While this report builds upon the situation reports of 2015, 2017 and 2019, it also newly integrates a chapter dedicated to counterfeit toys, which includes the results from the LUDUS I operation.

Targeted international operations are therefore a key tool to bridge the intelligence gap on this crime area, as well as to facilitate international law enforcement cooperation and identify law enforcement needs for future operations. The organisation of **national enforcement campaigns** on toys should also be part of the response, as the operation revealed that different European countries may face different priorities in terms of illicit toys (e.g. in terms of consumption, transit points, or territories where illicit manufacture takes place).

2 / Expanding the cooperation between law enforcement agencies and the private sector

Regular consultations with the private sector appeared to greatly increase the detection of counterfeiting. Indeed, by sharing expertise and a unique knowledge of their products, **brand owners** are in a key position to detect fake toys infringing on their trademark. Similarly, some **e-commerce platforms** use algorithms to detect fake products; the unique visibility they gain on billions of products sold online every day through artificial intelligence can offer key intelligence to law enforcement authorities, when cooperation mechanisms are in place.

Several key seizures carried out during LUDUS I were directly triggered by information provided by brand owners and e-commerce platforms. Europol’s IPC³ intends to strengthen the cooperation between MS authorities and key actors in the private sector by facilitating information exchange through meetings and the use of its secure information channel (SIENA).

In addition, it was identified that enhancing the **interaction with the main toy**

supplier/retailer (the intermediary between seller and consumer) resulted in larger seizures of counterfeit toys temporarily stocked in storehouses before being sold. This enhanced cooperation is key to **identifying fraudulent online sellers and holding toy manufacturers responsible for carrying out safety tests** (such as appropriate conformity evaluation procedures), making related documentation allowing traceability of the toys available⁵. Upcoming 2022 regulations at the European level, such as the Digital Service Act, might further facilitate this procedure, however it will only be made possible if law enforcement collaborates with toy suppliers to identify counterfeiters.

3 / Raising consumers' awareness and accountability

There is a correlation between EU customers' demand for low-cost products and their supply by countries that produce them. Therefore, **consumers have a key role to play in limiting the demand, and consequently the supply, of cheap toys that do not follow safety regulations**. Based on this observation and building on the operational results, Europol implemented an awareness action against illicit beach toys during the summer of 2021 and has implemented a large awareness campaign against fake toys in the holiday season of 2021-2022 called **'Fake Toys Aren't Fun'** (#FakeToysArentFun).

Continuous monitoring of emerging counterfeit threats in 2021 following Operation LUDUS I highlighted a particular need to raise consumer awareness during the 2021-2022 festive season. This was necessary in the context of the pandemic, as toymakers warned of potential delivery delays and shortages in toys during the holiday season due to the slowdown of global transportation and the shortage in material from major manufacturers.^{vii} The campaign was therefore carried out as a crime prevention measure, from 9 December 2021 to 9 January 2022.

The campaign was targeted at countries with a higher risk of consumers purchasing counterfeit goods, such as France, Germany, Italy, Spain and the United Kingdom. It also targeted social media users through sponsored advertisements to reach a higher number of consumers. The campaign provided consumers with a step-by-step guide to recognising fake toys⁶ based on the offences detected. In particular, the list identified under 'offences detected' in this report was the basis of the guide.

The campaign 'Fake Toys Aren't Fun' generated more than 4 million views among European consumers, an unprecedented communication success, showing the interest for the subject and the need to continue these awareness efforts.

These results were made possible with the support of key partners from Member States' authorities that were engaged in LUDUS I, as well as EU bodies (e.g. the European Commission and the EUIPO), the private sector (e.g. Toy Industries of Europe), and the funding support from the EUIPO to Europol IPC³.

⁵ The availability of these documents should cover the period of time that the toy is sold on the market, plus the estimated 'lifetime' of the toy after its sale (which corresponds to an average time of about 10 years).

⁶ Europol, 'How to recognize fake and hazardous toys', accessible at <https://www.europol.europa.eu/operations-services-and-innovation/public-awareness-and-prevention-guides/how-to-recognise-fake-and-hazardous-toys>

V. Conclusion

The first edition of Operation LUDUS I highlighted the importance of coordinated enforcement activities, and therefore better consumer protection and safety for European families.

The trends identified through the seizure of more than 5 million toys, carried out during the October 2020 to January 2021 operational phase and reported by the 24 participating countries, allowed Europol's IPC³ to follow up with more targeted actions. This included supporting a specific investigation in the second trimester of 2021 and implementing communication activities on the topic with exceptional outreach.

ⁱ U.S. PIRG, 'TROUBLE IN TOYLAND; 36th Annual Toy Safety Report', 2021, accessible at https://uspirg.org/sites/pirg/files/reports/Trouble-In-Toyland_2021/PIRG_Trouble-In-Toyland_2021.pdf

ⁱⁱ EUIPO, 'The economic cost of IPR infringement in the toys and games sector', 2015, accessible at https://euipo.europa.eu/ohimportal/en/web/observatory/ipr_infringement_toys_and_games?utm_source=hootsuite

ⁱⁱⁱ EU Commission and EUIPO, 'Report on the EU customs enforcement of intellectual property rights - Results at the EU border, 2019', 2020, accessible at https://ec.europa.eu/taxation_customs/intellectual-property-rights-facts-and-figures_en

^{iv} EU Commission and EUIPO, 'EU enforcement of intellectual property rights: results at the EU border and in the EU internal market 2020', 2021, accessible at https://ec.europa.eu/taxation_customs/news/eu-enforcement-ip-rights-joint-report-european-union-intellectual-property-office-2021-11-30_en

^v Toy Industries of Europe, 'EU Toy Safety: the problem of un reputable sellers on online marketplaces', 2020, accessible at <https://www.toyindustries.eu/ties-eu-toy-safety-the-problem-of-unreputable-sellers-on-online-marketplaces/>

^{vi} OECD and EUIPO, 'Illicit Trade Global Trade in Fakes – A worrying threat', 2021, accessible at <https://www.oecd.org/publications/global-trade-in-fakes-74c81154-en.htm>

^{vii} CNBC, 'Toymakers warn delays in stocking retail shelves could create a 4-month holiday hangover', 6 October 2021 (accessed on 11.10.2021) <https://www.cnn.com/2021/10/06/how-toy-companies-are-grappling-with-shipping-delays-this-holiday.html>

BBC, 'Nike and Costco warn of product shortages and delays', 24 September 2021 (accessed on 11.10.2021) <https://www.bbc.com/news/business-58685889>