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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	12 March 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2021) 115 final - ANNEXES 1 to 7
Subject:	ANNEXES to the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL implementing the Kimberley Process certification scheme for the international trade in rough diamonds (recast)

Delegations will find attached document COM(2021) 115 final - ANNEXES 1 to 7.

Encl.: COM(2021) 115 final - ANNEXES 1 to 7

EUROPEAN
COMMISSION

Brussels, 12.3.2021
COM(2021) 115 final

ANNEXES 1 to 7

ANNEXES

to the

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

implementing the Kimberley Process certification scheme for the international trade in rough diamonds (recast)

↓ 2368/2002

ANNEX I

Kimberley Process Certification Scheme

PREAMBLE

PARTICIPANTS,

– RECOGNISING that the trade in conflict diamonds is a matter of serious international concern, which can be directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate governments, and the illicit traffic in, and proliferation of, armaments, especially small arms and light weapons;

– FURTHER RECOGNISING the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries and the systematic and gross human rights violations that have been perpetrated in such conflicts;

– NOTING the negative impact of such conflicts on regional stability and the obligations placed upon states by the United Nations Charter regarding the maintenance of international peace and security;

– BEARING IN MIND that urgent international action is imperative to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of many of the producing, processing, exporting and importing states, especially developing states;

– RECALLING all of the relevant resolutions of the United Nations Security Council under Chapter VII of the United Nations Charter, including the relevant provisions of Resolutions 1173 (1998), 1295 (2000), 1306 (2000), and 1343 (2001), and determined to contribute to and support the implementation of the measures provided for in these resolutions;

– HIGHLIGHTING the United Nations General Assembly Resolution 55/56 (2000) on the role of the trade in conflict diamonds in fuelling armed conflict, which called on the international community to give urgent and careful consideration to devising effective and pragmatic measures to address this problem;

– FURTHER HIGHLIGHTING the recommendation in United Nations General Assembly Resolution 55/56 that the international community develop detailed proposals for a simple and workable international certification scheme for rough diamonds based primarily on national certification schemes and on internationally agreed minimum standards;

– RECALLING that the Kimberley Process, which was established to find a solution to the international problem of conflict diamonds, was inclusive of concerned stake holders, namely producing, exporting and importing states, the diamond industry and civil society;

– CONVINCED that the opportunity for conflict diamonds to play a role in fuelling armed conflict can be seriously reduced by introducing a certification scheme for rough diamonds designed to exclude conflict diamonds from the legitimate trade;

– RECALLING that the Kimberley Process considered that an international certification scheme for rough diamonds, based on national laws and practices and meeting internationally agreed minimum standards, will be the most effective system by which the problem of conflict diamonds could be addressed;

– ACKNOWLEDGING the important initiatives already taken to address this problem, in particular by the governments of Angola, the Democratic Republic of Congo, Guinea and Sierra Leone and by other key producing, exporting and importing countries, as well as by the diamond industry, in particular by the World Diamond Council, and by civil society;

– WELCOMING voluntary self-regulation initiatives announced by the diamond industry and recognising that a system of such voluntary self-regulation contributes to ensuring an effective internal control system of rough diamonds based upon the international certification scheme for rough diamonds;

– RECOGNISING that an international certification scheme for rough diamonds will only be credible if all Participants have established internal systems of control designed to eliminate the presence of conflict diamonds in the chain of producing, exporting and importing rough diamonds within their own territories, while taking into account that differences in production methods and trading practices as well as differences in institutional controls thereof may require different approaches to meet minimum standards;

– FURTHER RECOGNISING that the international certification scheme for rough diamonds must be consistent with international law governing international trade;

– ACKNOWLEDGING that state sovereignty should be fully respected and the principles of equality, mutual benefits and consensus should be adhered to,

RECOMMEND THE FOLLOWING PROVISIONS:

SECTION I

Definitions

For the purposes of the international certification scheme for rough diamonds (hereinafter referred to as 'the Certification Scheme') the following definitions apply:

CONFLICT DIAMONDS means rough diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments, as described in relevant United Nations Security Council (UNSC) resolutions insofar as they remain in effect, or in other similar UNSC resolutions which may be adopted in the future, and as understood and recognised in United Nations General Assembly (UNGA) Resolution 55/56, or in other similar UNGA resolutions which may be adopted in future;

COUNTRY OF ORIGIN means the country where a shipment of rough diamonds has been mined or extracted;

COUNTRY OF PROVENANCE means the last Participant from where a shipment of rough diamonds was exported, as recorded on import documentation;

DIAMOND means a natural mineral consisting essentially of pure crystallised carbon in the isometric system, with a hardness on the Mohs (scratch) scale of 10, a specific gravity of approximately 3.52 and a refractive index of 2.42;

EXPORT means the physical leaving/taking out of any part of the geographical territory of a Participant;

EXPORTING AUTHORITY means the authority(ies) or body(ies) designated by a Participant from whose territory a shipment of rough diamonds is leaving, and which are authorised to validate the Kimberley Process Certificate;

FREE TRADE ZONE means a part of the territory of a Participant where any goods introduced are generally regarded, insofar as import duties and taxes are concerned, as being outside the customs territory;

IMPORT means the physical entering/bringing into any part of the geographical territory of a Participant;

IMPORTING AUTHORITY means the authority(ies) or body(ies) designated by a Participant into whose territory a shipment of rough diamonds is imported to conduct all import formalities and particularly the verification of accompanying Kimberley Process Certificates;

KIMBERLEY PROCESS CERTIFICATE means a forgery resistant document with a particular format which identifies a shipment of rough diamonds as being in compliance with the requirements of the Certification Scheme;

OBSERVER means a representative of civil society, the diamond industry, international organisations and non-participating governments invited to take part in Plenary meetings;

PARCEL means one or more diamonds that are packed together and that are not individualised;

PARCEL OF MIXED ORIGIN means a parcel that contains rough diamonds from two or more countries of origin, mixed together;

PARTICIPANT means a state or a regional economic integration organisation for which the Certification Scheme is effective;

REGIONAL ECONOMIC INTEGRATION ORGANISATION means an organisation comprised of sovereign states that have transferred competence to that organisation in respect of matters governed by the Certification Scheme;

ROUGH DIAMONDS means diamonds that are unworked or simply sawn, cleaved or bruted and fall under the Relevant Harmonised Commodity Description and Coding System 71021000, 71022100 and 71023100;

SHIPMENT means one or more parcels that are physically imported or exported;

TRANSIT means the physical passage across the territory of a Participant or a non-Participant, with or without transhipment, warehousing or change in mode of transport, when such passage is only a portion of a complete journey beginning and terminating beyond the frontier of the Participant or non-Participant across whose territory a shipment passes;

SECTION II

The Kimberley Process Certificate

Each Participant should ensure that:

(a) a Kimberley Process Certificate (hereafter referred to as the Certificate) accompanies each shipment of rough diamonds on export;

(b) its processes for issuing Certificates meet the minimum standards of the Kimberley Process as set out in Section IV;

(c) Certificates meet the minimum requirements set out in Annex I. As long as these requirements are met, Participants may at their discretion establish additional characteristics for their own Certificates, for example their form, additional data or security elements;

(d) it notifies all other Participants through the Chair of the features of its Certificate as specified in Annex I, for purposes of validation.

SECTION III

Undertakings in respect of the international trade in rough diamonds

Each Participant should:

(a) with regard to shipments of rough diamonds exported to a Participant, require that each such shipment is accompanied by a duly validated Certificate;

(b) with regard to shipments of rough diamonds imported from a Participant:

- require a duly validated Certificate;
- ensure that confirmation of receipt is sent expeditiously to the relevant Exporting Authority. The confirmation should as a minimum refer to the Certificate number, the number of parcels, the carat weight and the details of the importer and exporter;
- require that the original of the Certificate be readily accessible for a period of no less than three years;

(c) ensure that no shipment of rough diamonds is imported from or exported to a non-Participant;

(d) recognise that Participants through whose territory shipments transit are not required to meet the requirement of paragraphs (a) and (b) above, and of Section II (a) provided that the designated authorities of the Participant through whose territory a shipment passes, ensure that the shipment leaves its territory in an identical state as it entered its territory (i.e. unopened and not tampered with).

SECTION IV

Internal controls

Undertakings by Participants

Each Participant should:

(a) establish a system of internal controls designed to eliminate the presence of conflict diamonds from shipments of rough diamonds imported into and exported from its territory;

(b) designate an Importing and an Exporting Authority(ies);

(c) ensure that rough diamonds are imported and exported in tamper resistant containers;

(d) as required, amend or enact appropriate laws or regulations to implement and enforce the Certification Scheme and to maintain dissuasive and proportional penalties for transgressions;

(e) collect and maintain relevant official production, import and export data, and collate and exchange such data in accordance with the provisions of Section V.

(f) when establishing a system of internal controls, take into account, where appropriate, the further options and recommendations for internal controls as elaborated in Annex II.

Principles of Industry Self-Regulation

Participants understand that a voluntary system of industry self-regulation, as referred to in the Preamble of this Document, will provide for a system of warranties underpinned through verification by independent auditors of individual companies and supported by internal penalties set by industry, which will help to facilitate the full traceability of rough diamond transactions by government authorities.

SECTION V

Cooperation and transparency

Participants should:

(a) provide to each other through the Chair information identifying their designated authorities or bodies responsible for implementing the provisions of this Certification Scheme. Each Participant should provide to other Participants through the Chair information, preferably in electronic format, on its relevant laws, regulations, rules, procedures and practices, and update that information as required. This should include a synopsis in English of the essential content of this information;

(b) compile and make available to all other Participants through the Chair statistical data in line with the principles set out in Annex III;

(c) exchange on a regular basis experiences and other relevant information, including on self-assessment, in order to arrive at the best practice in given circumstances;

(d) consider favourably requests from other Participants for assistance to improve the functioning of the Certification Scheme within their territories;

(e) inform another Participant through the Chair if it considers that the laws, regulations, rules, procedures or practices of that other Participant do not ensure the absence of conflict diamonds in the exports of that other Participant;

(f) cooperate with other Participants to attempt to resolve problems which may arise from unintentional circumstances and which could lead to non-fulfilment of the minimum requirements for the issuance or acceptance of the Certificates, and inform all other Participants of the essence of the problems encountered and of solutions found;

(g) encourage, through their relevant authorities, closer cooperation between law enforcement agencies and between customs agencies of Participants.

SECTION VI

Administrative matters

MEETINGS

1. Participants and Observers are to meet in Plenary annually, and on other occasions as Participants may deem necessary, in order to discuss the effectiveness of the Certification Scheme.

2. Participants should adopt Rules of Procedure for such meetings at the first Plenary meeting.

3. Meetings are to be held in the country where the Chair is located, unless a Participant or an international organisation offers to host a meeting and this offer has been accepted. The host country should facilitate entry formalities for those attending such meetings.

4. At the end of each Plenary meeting, a Chair would be elected to preside over all Plenary meetings, ad hoc working groups and other subsidiary bodies, which might be formed until the conclusion of the next annual Plenary meeting.

5. Participants are to reach decisions by consensus. In the event that consensus proves to be impossible, the Chair is to conduct consultations.

ADMINISTRATIVE SUPPORT

6. For the effective administration of the Certification Scheme, administrative support will be necessary. The modalities and functions of that support should be discussed at the first Plenary meeting, following endorsement by the UN General Assembly.

7. Administrative support could include the following functions:

   (a) to serve as a channel of communication, information sharing and consultation between the Participants with regard to matters provided for in this Document;

   (b) to maintain and make available for the use of all Participants a collection of those laws, regulations, rules, procedures, practices and statistics notified pursuant to Section V;

   (c) to prepare documents and provide administrative support for Plenary and working group meetings;

   (d) to undertake such additional responsibilities as the Plenary meetings, or any working group delegated by Plenary meetings, may instruct.

PARTICIPATION

8. Participation in the Certification Scheme is open on a global, non-discriminatory basis to all Applicants willing and able to fulfill the requirements of that Scheme.

9. Any applicant wishing to participate in the Certification Scheme should signify its interest by notifying the Chair through diplomatic channels. This notification should include the information set forth in paragraph (a) of Section V and be circulated to all Participants within one month.

10. Participants intend to invite representatives of civil society, the diamond industry, non-participating governments and international organisations to participate in Plenary meetings as Observers.

PARTICIPANT MEASURES

11. Participants are to prepare, and make available to other Participants, in advance of annual Plenary meetings of the Kimberley Process, information as stipulated in paragraph (a) of Section V outlining how the requirements of the Certification Scheme are being implemented within their respective jurisdictions.

12. The agenda of annual Plenary meetings is to include an item where information as stipulated in paragraph (a) of Section V is reviewed and Participants can provide further details of their respective systems at the request of the Plenary.

13. Where further clarification is needed, Participants at Plenary meetings, upon recommendation by the Chair, can identify and decide on additional verification measures to be undertaken. Such measures are to be implemented in accordance with applicable national and international law. These could include, but need not be limited to measures such as:

    (a) requesting additional information and clarification from Participants;

    (b) review missions by other Participants or their representatives where there are credible indications of significant non-compliance with the Certification Scheme.

14. Review missions are to be conducted in an analytical, expert and impartial manner with the consent of the Participant concerned. The size, composition, terms of reference and time-frame of these missions should be based on the circumstances and be established by the Chair with the consent of the Participant concerned and in consultation with all Participants.

15. A report on the results of compliance verification measures is to be forwarded to the Chair and to the Participant concerned within three weeks of completion of the mission. Any comments from that Participant as well as the report, are to be posted on the restricted access section of an official Certification Scheme website no later than three weeks after the submission of the report to the Participant concerned. Participants and Observers should make every effort to observe strict confidentiality regarding the issue and the discussions relating to any compliance matter.

COMPLIANCE AND DISPUTE PREVENTION

16. In the event that an issue regarding compliance by a Participant or any other issue regarding the implementation of the Certification Scheme arises, any concerned Participant may so inform the Chair, who is to inform all Participants without delay about the said concern and enter into dialogue on how to address it. Participants and Observers should make every effort to observe strict confidentiality regarding the issue and the discussions relating to any compliance matter.

MODIFICATIONS

17. This document may be modified by consensus of the Participants.

18. Modifications may be proposed by any Participant. Such proposals should be sent in writing to the Chair, at least ninety days before the next Plenary meeting, unless otherwise agreed.

19. The Chair is to circulate any proposed modification expeditiously to all Participants and Observers and place it on the agenda of the next annual Plenary meeting.

REVIEW MECHANISM

20. Participants intend that the Certification Scheme should be subject to periodic review, to allow Participants to conduct a thorough analysis of all elements contained in the scheme. The review should also include consideration of the continuing requirement for such a scheme, in view of the perception of the Participants, and of international organisations, in particular the United Nations, of the continued threat posed at that time by conflict diamonds. The first such review should take place no later than three years after the effective starting date of the Certification Scheme. The review meeting should normally coincide with the annual Plenary meeting, unless otherwise agreed.

THE START OF THE IMPLEMENTATION OF THE SCHEME

21. The Certification Scheme should be established at the Ministerial Meeting on the Kimberley Process Certification Scheme for Rough Diamonds in Interlaken on 5 November 2002.

Annex I to ANNEX I

CERTIFICATES

A. MINIMUM REQUIREMENTS FOR CERTIFICATES

A Certificate is to meet the following minimum requirements:

- Each Certificate should bear the title 'Kimberley Process Certificate' and the following statement: 'The rough diamonds in this shipment have been handled in accordance with the provisions of the Kimberley Process Certification Scheme for rough diamonds'
- Country of origin for shipment of parcels of unmixed (i.e. from the same) origin
- Certificates may be issued in any language, provided that an English translation is incorporated
- Unique numbering with the Alpha 2 country code, according to ISO 3166-1
- Tamper and forgery resistant
- Date of issuance
- Date of expiry
- Issuing authority
- Identification of exporter and importer
- Carat weight/mass
- Value in US$
- Number of parcels in shipment
- Relevant Harmonised Commodity Description and Coding System
- Validation of Certificate by the Exporting Authority

B. OPTIONAL CERTIFICATE ELEMENTS

A Certificate may include the following optional features:

- Characteristics of a Certificate (for example as to form, additional data or security elements)
- Quality characteristics of the rough diamonds in the shipment
- A recommended import confirmation part should have the following elements:

  Country of destination

  Identification of importer

  Carat/weight and value in US$

  Relevant Harmonised Commodity Description and Coding System

  Date of receipt by Importing Authority

  Authentication by Importing Authority

C. OPTIONAL PROCEDURES

Rough diamonds may be shipped in transparent security bags.

The unique Certificate number may be replicated on the container.

Annex II to ANNEX I

RECOMMENDATIONS AS PROVIDED FOR IN SECTION IV, PARAGRAPH (F)

GENERAL RECOMMENDATIONS

1. Participants may appoint an official coordinator(s) to deal with the implementation of the Certification Scheme.
2. Participants may consider the utility of complementing and/or enhancing the collection and publication of the statistics identified in Annex III based on the contents of Kimberley Process Certificates.
3. Participants are encouraged to maintain the information and data required by Section V on a computerised database.
4. Participants are encouraged to transmit and receive electronic messages in order to support the Certification Scheme.
5. Participants that produce diamonds and that have rebel groups suspected of mining diamonds within their territories are encouraged to identify the areas of rebel diamond mining activity and provide this information to all other Participants. This information should be updated on a regular basis.
6. Participants are encouraged to make known the names of individuals or companies convicted of activities relevant to the purposes of the Certification Scheme to all other Participants through the Chair.
7. Participants are encouraged to ensure that all cash purchases of rough diamonds are routed through official banking channels, supported by verifiable documentation.
8. Participants that produce diamonds should analyse their diamond production under the following headings:
   - Characteristics of diamonds produced
   - Actual production

RECOMMENDATIONS FOR CONTROL OVER DIAMOND MINES

9. Participants are encouraged to ensure that all diamond mines are licensed and to allow only those mines so licensed to mine diamonds.
10. Participants are encouraged to ensure that prospecting and mining companies maintain effective security standards to ensure that conflict diamonds do not contaminate legitimate production.

RECOMMENDATIONS FOR PARTICIPANTS WITH SMALL-SCALE DIAMOND MINING

11. All artisanal and informal diamond miners should be licensed and only those persons so licensed should be allowed to mine diamonds.
12. Licensing records should contain the following minimum information: name, address, nationality and/or residence status and the area of authorised diamond mining activity.

RECOMMENDATIONS FOR ROUGH DIAMOND BUYERS, SELLERS AND EXPORTERS

13. All diamond buyers, sellers, exporters, agents and courier companies involved in carrying rough diamonds should be registered and licensed by each Participant's relevant authorities.

14. Licensing records should contain the following minimum information: name, address and nationality and/or residence status.

15. All rough diamond buyers, sellers and exporters should be required by law to keep for a period of five years daily buying, selling or exporting records listing the names of buying or selling clients, their license number and the amount and value of diamonds sold, exported or purchased.

16. The information in paragraph 14 above should be entered into a computerised database, to facilitate the presentation of detailed information relating to the activities of individual rough diamond buyers and sellers.

RECOMMENDATIONS FOR EXPORT PROCESSES

17. A exporter should submit a rough diamond shipment to the relevant Exporting Authority.

18. The Exporting Authority is encouraged, prior to validating a Certificate, to require an exporter to provide a declaration that the rough diamonds being exported are not conflict diamonds.

19. Rough diamonds should be sealed in a tamper proof container together with the Certificate or a duly authenticated copy. The Exporting Authority should then transmit a detailed e-mail message to the relevant Importing Authority containing information on the carat weight, value, country of origin or provenance, importer and the serial number of the Certificate.

20. The Exporting Authority should record all details of rough diamond shipments on a computerised database.

RECOMMENDATIONS FOR IMPORT PROCESSES

21. The Importing Authority should receive an e-mail message either before or upon arrival of a rough diamond shipment. The message should contain details such as the carat weight, value, country of origin or provenance, exporter and the serial number of the Certificate.

22. The Importing Authority should inspect the shipment of rough diamonds to verify that the seals and the container have not been tampered with and that the export was performed in accordance with the Certification Scheme.

23. The Importing Authority should open and inspect the contents of the shipment to verify the details declared on the Certificate.

24. Where applicable and when requested, the Importing Authority should send the return slip or import confirmation coupon to the relevant Exporting Authority.

25. The Importing Authority should record all details of rough diamond shipments on a computerised database.

RECOMMENDATIONS ON SHIPMENTS TO AND FROM FREE TRADE ZONES

26. Shipments of rough diamonds to and from free trade zones should be processed by the designated authorities.

Annex III to ANNEX I

STATISTICS

Recognising that reliable and comparable data on the production and the international trade in rough diamonds are an essential tool for the effective implementation of the Certification Scheme, and particularly for identifying any irregularities or anomalies which could indicate that conflict diamonds are entering the legitimate trade, Participants strongly support the following principles, taking into account the need to protect commercially sensitive information:

(a) to keep and publish within two months of the reference period and in a standardised format, quarterly aggregate statistics on rough diamond exports and imports, as well as the numbers of certificates validated for export, and of imported shipments accompanied by Certificates;

(b) to keep and publish statistics on exports and imports, by origin and provenance wherever possible; by carat weight and value; and under the relevant Harmonised Commodity Description and Coding System (HS) classifications 7102 10; 7102 21; 7102 31;

(c) to keep and publish on a semi-annual basis and within two months of the reference period statistics on rough diamond production by carat weight and by value. In the event that a Participant is unable to publish these statistics it should notify the Chair immediately;

(d) to collect and publish these statistics by relying in the first instance on existing national processes and methodologies;

(e) to make these statistics available to an intergovernmental body or to another appropriate mechanism identified by the Participants for (1) compilation and publication on a quarterly basis in respect of exports and imports, and (2) on a semi-annual basis in respect of production. These statistics are to be made available for analysis by interested parties and by the Participants, individually or collectively, according to such terms of reference as may be established by the Participants;

(f) to consider statistical information pertaining to the international trade in and production of rough diamonds at annual Plenary meetings, with a view to addressing related issues, and to supporting effective implementation of the Certification Scheme.

↓ 2020/2149

ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 6, 7, 10, 15, 16, 17 and 18

ANGOLA

Ministry of Mineral Resources and Petroleum and Gas

Av. 4 de Fevereiro no 105

1279 Luanda

Angola

Export authority:

Ministry of Industry and Trade

Largo 4 de Fevereiro #3

Edifício Palacio de vidro

1242 Luanda

Angola

ARMENIA

Department of Gemstones and Jewellery

Ministry of Economy

M. Mkrtchyan 5

Yerevan

Armenia

AUSTRALIA

Department of Foreign Affairs and Trade

Investment and Business Engagement Division

R.G. Casey Building

John McEwen Crescent

Barton ACT 0221

Australia

Import and export authority:

Department of Home Affairs

Customs and Border Revenue Branch

Australian Border Force

5 Constitution Ave
Canberra City 2600
Australia
Department of Industry, Science, Energy and Resources
GPO Box 2013
Canberra ACT 2601
Australia

BANGLADESH
Export Promotion Bureau
TCB Bhaban
1, Karwan Bazaar
Dhaka
Bangladesh

BELARUS
Ministry of Finance
Department for Precious Metals and Precious Stones
Sovetskaja Str, 7
220010 Minsk
Republic of Belarus

BOTSWANA
Ministry of Minerals, Green Technology and Energy Security (MMGE)
Fairgrounds Office Park, Plot No 50676 Block C
P/Bag 0018
Gaborone
Botswana

BRAZIL
Ministry of Mines and Energy
Esplanada dos Ministérios, Bloco‘U’, 4º andar
70065, 900 Brasilia, DF
Brazil

CAMBODIA
Ministry of Commerce

Lot 19–61, MOC Road (113 Road), Phum Teuk Thla, Sangkat Teuk Thla

Khan Sen Sok, Phnom Penh

Cambodia

CAMEROON

National Permanent Secretariat for the Kimberley Process

Ministry of Mines, Industry and Technological Development

Intek Building, 6th floor,

Navik Street

BP 35601 Yaounde

Cameroon

CANADA

International:

Global Affairs Canada Natural Resources and Governance Division (MES) 125 Sussex Drive Ottawa, Ontario K1A 0G2

Canada

For General Enquiries at Natural Resources Canada:

Kimberley Process Office

Lands and Minerals Sector Natural Resources Canada (NRCan)

580 Booth Street, 10th floor

Ottawa, Ontario

Canada K1A 0E4

CENTRAL AFRICAN REPUBLIC

Secrétariat permanent du processus de Kimberley

BP: 26 Bangui

Central African Republic

CHINA, PEOPLE'S REPUBLIC OF

Department of Duty Collection

General Administration of China Customs (GACC)

No 6 Jianguomen Nie Rev.

Dongcheng District, Beijing 100730

People's Republic of China

HONG KONG, SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA

Department of Trade and Industry

Hong Kong Special Administrative Region

Peoples Republic of China

Room 703, Trade and Industry Tower

700 Nathan Road

Kowloon

Hong Kong

China

MACAO, SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA

Macao Economic Bureau

Government of the Macao Special Administrative Region

Rua Dr Pedro José Lobo, no. 1–3, 25th Floor

Macao

CONGO, DEMOCRATIC REPUBLIC OF

Centre d'Expertise, d'Evaluation et de Certification des Substances Minérales Précieuses et Semi-précieuses (CEEC)

3989, av des cliniques

Kinshasa/Gombe

Democratic Republic of Congo

CONGO, REPUBLIC OF

Bureau d'Expertise, d'Evaluation et de Certification des Substances Minérales Précieuses (BEEC)

BP 2787

Brazzaville

Republic of Congo

COTE D'IVOIRE

Ministère de l'Industrie et des Mines

Secrétariat Permanent de la Représentation en Côte d'Ivoire du Processus de Kimberley (SPRPK-CI)

Abidjan-Plateau, Immeuble les Harmonies II

Abidjan

Côte d'Ivoire

ESWATINI

Office for the Commissioner of Mines

Minerals and Mines Departments, Third Floor Lilunga Building (West Wing),
Somhlolo Road,
Mbabane
Eswatini

EUROPEAN UNION
European Commission
Service for Foreign Policy Instruments
Office EEAS 03/330
B-1049 Bruxelles/Brussel
Belgium

GABON
Centre Permanent du Processus de Kimberley (CPPK)
Ministry of Equipment, Infrastructure, and Mines
Immeuble de la Geologie, 261 rue Germain Mba
B.P. 284/576
Libreville
Gabon

GHANA
Ministry of Lands and Natural Resources
Accra P.O. Box M 212
Ghana
Import and export authority:
Precious Minerals Marketing Company Ltd (PMMC)
Diamond House
PO Box M.108
Accra
Ghana

GUINEA
Ministry of Mines and Geology
Boulevard du Commerce – BP 295
Quartier Almamya/Commune de Kaloum
Conakry
Guinea

GUYANA

Geology and Mines Commission

P O Box 1028

Upper Brickdam

Stabroek

Georgetown

Guyana

INDIA

Government of India, Ministry of Commerce & Industry

Udyog Bhawan

New Delhi 110 011

India

Import and export authority:

The Gem & Jewellery Export Promotion Council

KP Exporting/Importing Authority

Tower A, AW-1010, Baharat Diamond Bourse

Opp NABARD Bank, Bandra Kurla Complex

Bandra (E), Mumbai – 400 051

India

INDONESIA

Directorate of Export and Import Facility, Ministry of Trade M. I. Ridwan Rais Road, No 5 Blok I Iantai 4

Jakarta Pusat Kotak Pos. 10110

Jakarta

Indonesia

ISRAEL

Ministry of Economy and Industry Office of the Diamond Controller

3 Jabotinsky Road

Ramat Gan 52520

Israel

JAPAN

Agency for Natural Resources and Energy

Mineral and Natural Resources Division

Ministry of Economy, Trade and Industry
1-3-1 Kasumigaseki, Chiyoda-ku
100-8901 Tokyo, Japan
Japan

KAZAKHSTAN
Ministry for Investments and Development of the Republic of Kazakhstan
Committee for Technical Regulation and Metrology
11, Mangilik el street
Nur-Sultan
Republic of Kazakhstan

KOREA, REPUBLIC OF
Ministry of Foreign Affairs
United Nations Division 60 Sajik-ro 8-gil
Jongno-gu
Seoul 03172
Korea

LAOS, PEOPLE'S DEMOCRATIC REPUBLIC
Department of Import and Export
Ministry of Industry and Commerce
Phonxay road, Saisettha District
Vientiane, Lao PDR
P.O Box: 4107
Laos

LEBANON
Ministry of Economy and Trade
Lazariah Building
Down Town
Beirut
Lebanon

LESOTHO
Department of Mines
Ministry of Mining

Corner Constitution and Parliament Road
P.O. Box 750
Maseru 100
Lesotho

LIBERIA
Government Diamond Office
Ministry of Mines and Energy
Capitol Hill
P.O. Box 10-9024
1000 Monrovia 10
Liberia

MALAYSIA
Ministry of International Trade and Industry
MITI Tower,
No 7, Jalan Sultan Haji Ahmad Shah 50480 Kuala Lumpur
Malaysia
Import and export authority:
Royal Malaysian Customs Department
Jabatan Kastam Diraja Malaysia,
Kompleks Kementerian Kewangan No 3,
Persiaran Perdana,
Presint 2, 62596 Putrajaya,
Malaysia.

MALI
Ministère des Mines
Bureau d'Expertise d'Évaluation et de Certification des Diamants Bruts
Cité administrative, P.O. BOX: 1909
Bamako
République du Mali

MAURITIUS
Import Division
Ministry of Industry, Commerce & Consumer Protection 4th Floor, Anglo Mauritius Building
Intendance Street

Port Louis
Mauritius

MEXICO

Directorate-General for International Trade in Goods
189 Pachuca Street, Condesa, 17th Floor
Mexico City, 06140
Mexico
Import and export authority:
Directorate-General for Trade Facilitation and Foreign Trade
SE. Undersecretary of Industry and Trade
1940 South Insurgentes Avenue, PH floor
Mexico City, 01030
Mexico
SHCP-AGA. Strategic Planning and Coordination
Customs Administration "2"
160 Lucas Alaman Street, Obrera
Mexico City, 06800
Mexico

NAMIBIA

The Government of Republic of Namibia Ministry of Mines and Energy
Directorate of Diamond Affairs Private Bag 13297
1st Aviation Road (Eros Airport)
Windhoek
Namibia

NEW ZEALAND

Middle East and Africa Division
Ministry of Foreign Affairs and Trade
Private Bag 18 901
Wellington
New Zealand
Import and export authority:
New Zealand Customs Service
1 Hinemoa Street
PO box 2218

Wellington 6140
New Zealand

NORWAY
Ministry of Foreign Affairs
Department for Regional Affairs
Section for Southern and Central Africa
Box 8114 Dep
0032 Oslo, Norway

PANAMA
National Customs Authority
Panama City, Curundu, Dulcidio Gonzalez Avenue, building # 1009
Republic of Panama

RUSSIAN FEDERATION
International:
Ministry of Finance
9, Ilyinka Street
109097 Moscow
Russian Federation
Import and Export Authority:
Gokhran of Russia
14, 1812 Goda St.
121170 Moscow
Russian Federation

SIERRA LEONE
Ministry of Mines and Mineral Resources
Youyi Building
Brookfields
Freetown
Sierra Leone
Import and export authority:
National Minerals Agency
New England Ville
Freetown

Sierra Leone

SINGAPORE

Ministry of Trade and Industry
100 High Street
#09-01, The Treasury
Singapore 179434
Import and Export authority:
Singapore Customs
55 Newton Road
#06-02 Revenue House
Singapore 307987

SOUTH AFRICA

South African Diamond and Precious Metals Regulator
251 Fox Street
Doornfontein 2028
Johannesburg
South Africa

SRI LANKA

National Gem and Jewellery Authority
25, Galle Face Terrace
Post Code 00300
Colombo 03
Sri Lanka

SWITZERLAND

State Secretariat for Economic Affairs (SECO)
Sanctions Unit
Holzikofenweg 36
CH-3003 Berne/Switzerland

TAIWAN, PENGHU, KINMEN AND MATSU, SEPARATE CUSTOMS TERRITORY

Export/Import Administration Division
Bureau of Foreign Trade
Ministry of Economic Affairs

1, Hu Kou Street
Taipei, 100
Taiwan

TANZANIA
Mining Commission
Ministry of Energy and Minerals
P.O BOX 2292
40744 Dodoma
Tanzania

THAILAND
Department of Foreign Trade
Ministry of Commerce
563 Nonthaburi Road
Muang District, Nonthaburi 11000
Thailand

TOGO
The Ministry of Mines and Energy
Head Office of Mines and Geology
216, Avenue Sarakawa
B.P. 356
Lomé
Togo

TURKEY
Foreign Exchange Department
Ministry of Treasury and Finance
T.C. Başbakanlık Hazine
Müsteşarlığı İnönü Bulvarı No 36
06510 Emek, Ankara
Turkey
Import and Export Authority:
Istanbul Gold Exchange/Borsa Istanbul Precious Metals and Diamond
Market (BIST)
Borsa İstanbul, Resitpasa Mahallesi,

Borsa İstanbul Caddesi No 4

Sariyer, 34467, Istanbul

Turkey

UKRAINE

Ministry of Finance

State Gemological Centre of Ukraine

38–44, Degtyarivska St.

Kyiv 04119

Ukraine

UNITED ARAB EMIRATES

U.A.E. Kimberley Process Office

Dubai Multi Commodities Centre

Dubai Airport Free Zone

Emirates Security Building

Block B, 2nd Floor, Office # 20

P.O. Box 48800

Dubai

United Arab Emirates

UNITED KINGDOM[1]

Government Diamond Office

Conflict Department

Room WH1.214

Foreign, Commonwealth & Development Office

King Charles Street

London

SW1A 2AH

United Kingdom

UNITED STATES OF AMERICA

United States Kimberley Process Authority

U.S. Department of State

[1] Without prejudice to the application of Regulation (EC) No 2368/2002 to and in the United Kingdom in respect of Northern Ireland, in accordance with Article 5(4), read in conjunction with Annex 2, point 47, of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement as of 1 January 2021 (OJ L 29, 31.1.2020, p. 7).

Bureau of Economic and Business Affairs
2201 C Street, NW
Washington DC 20520
United States of America
Import and export authority:
U.S. Customs and Border Protection
Office of Trade
1400 L Street, NW
Washington, DC 20229
United States of America
U.S. Census Bureau
4600 Silver Hill Road
Room 5K167
Washington, DC 20233
United States of America

VENEZUELA
Central Bank of Venezuela
36 Av. Urdaneta, Caracas, Capital District
Caracas
ZIP Code 1010
Venezuela

VIETNAM
Ministry of Industry and Trade
Agency of Foreign Trade 54 Hai Ba Trung
Hoan Kiem
Hanoi
Vietnam

ZIMBABWE
Principal Minerals Development Office
Ministry of Mines and Mining Development
6th Floor, ZIMRE Centre
Cnr L.Takawira St/K. Nkrumah Ave.
Harare
Zimbabwe

Import and export authority:

Zimbabwe Revenue Authority

Block E 5th Floor, Mhlahlandlela Complex

Cnr Basch Street/10th Avenue

Bulawayo

Zimbabwe

Minerals Marketing Corporation of Zimbabwe

90 Mutare road,

Msasa

PO Box 2628

Harare

Zimbabwe

ANNEX III

List of Member States' competent authorities and their tasks as referred to in Articles 2 and 17

BELGIUM

Federale Overheidsdienst Economie, KMO, Middenstand en Energie, Algemene Directie Economische Analyses en Internationale Economie, Dienst Vergunningen en Diamant/Service Public Fédéral Économie,

PME, Classes moyennes et Energie, Direction générale des Analyses économiques et de l'Economie internationale, Service Licences et Diamants

(Federal Public Service Economy SME's, Self-employed and Energy, Directorate-General for Economic Analyses & International Economy)

Italiëlei 124, bus 71

B-2000 Antwerpen

Tel. +32 (0)2 277 54 59

Fax +32 (0)2 277 54 61 or +32 (0)2 277 98 70

Email: kpcs-belgiumdiamonds@economie.fgov.be

In Belgium the controls of imports and exports of rough diamonds required by Regulation (EU) […….../……] and the customs treatment will only be done at:

The Diamond Office

Hoveniersstraat 22

B-2018 Antwerpen

CZECH REPUBLIC

In the Czech Republic the controls of imports and exports of rough diamonds required by Regulation (EU) […….../……] and the customs treatment will only be done at:

Generální ředitelství cel

Budějovická 7

140 96 Praha 4

Česká republika

Tel. (420-2) 61 33 38 41, (420-2) 61 33 38 59, cell (420-737) 213 793

Fax (420-2) 61 33 38 70

Email: diamond@cs.mfcr.cz

Permanent service at designated custom office – Praha Ruzyně

Tel. (420-2) 20 113 788 (Mondays to Fridays -7:30am – 15:30pm)

Tel. (420-2) 20 119 678 (Saturdays, Sundays and rest – 15:30pm – 7:30am)

GERMANY

In Germany the controls of imports and exports of rough diamonds required by Regulation (EU) […….../……], including the issuing of Union certificates, will only be done at the following authority:

Hauptzollamt Koblenz

Zollamt Idar-Oberstein

Zertifizierungsstelle für Rohdiamanten

Hauptstraße 197

D-55743 Idar-Oberstein

Tel. +49 6781 56 27 0

Fax +49 6781 56 27 19

Email: poststelle.za-idar-oberstein@zoll.bund.de

For the purpose of Articles 5(3), 7, 8, 12(3), 13 and 15 of this Regulation, concerning in particular reporting obligations to the Commission, the following authority shall act as competent German authority:

Generalzolldirektion

– Direktion VI –

Recht des grenzüberschreitenden Warenverkehrs/Besonderes Zollrecht

Krelingstraβe 50

D-90408 Nürnberg

Tel. +49 228 303-49874

Fax +49 228 303-99106

Email: DVIA3.gzd@zoll.bund.de

IRELAND

The Kimberley Process and Responsible Minerals Authority

Geoscience Regulation Office

Department of Environment, Climate and Communications

29–31 Adelaide Road

Dublin

D02 X285

Ireland

Tel. +353 1 678 2000

Email: KPRMA@DECC.gov.ie

ITALY

In Italy the controls of imports and exports of rough diamonds required by Regulation (EU) [……/……], including the issuing of Union certificates, will only be done at the following authority:

Agenzia delle Dogane e dei Monopoli

Laboratorio chimico di Torino – Ufficio antifrode –Direzione Interregionale Liguria, Piemonte e Valle d'Aosta

Corso Sebastopoli, 3

10134 Torino

Tel. +39 011 3166341 – 0369206

Email: dir.liguria-piemonte-valledaosta.lab.torino@adm.gov.it

For the purpose of Articles 5(3), 7, 8, 12(3), 13 and 15 of this Regulation, concerning in particular reporting obligations to the Commission, the following authority shall act as the competent Italian authority:

Agenzia delle Dogane e dei Monopoli

Ufficio Origine e valore – Direzione Dogane

Piazza Mastai, 12

00153 Roma

Tel. +39 06 50245216

Email: dir.dogane.origine@adm.gov.it

PORTUGAL

Autoridade Tributária e Aduaneira

Direção de Serviços de Licenciamento

R. da Alfândega, 5

1149-006 Lisboa

Tel. + 351 218 813 843/8

Fax + 351 218 813 986

Email: dsl@at.gov.pt

In Portugal the controls of imports and exports of rough diamonds required by required by Regulation (EU) [……/……], including the issuing of EU certificates, will only be done at the following authority:

Alfândega do Aeroporto de Lisboa

Aeroporto de Lisboa,

Terminal de Carga, Edifício 134

1750-364 Lisboa

Tel. +351 210030080

Fax +351 210037777

Email address: aalisboa-kimberley@at.gov.pt

ROMANIA

Autoritatea Națională pentru Protecția Consumatorilor
(National Authority for Consumer Protection)
1 Bd. Aviatorilor Nr. 72, sectorul 1 București, România
(72 Aviatorilor Bvd., sector 1, Bucharest, Romania)
Cod postal (Postal code) 011865
Tel. (40-21) 318 46 35/312 98 90/312 12 75
Fax (40-21) 318 46 35/314 34 62
www.anpc.ro

↓ 1189/2019 Art. 1.3 and Annex III (adapted)

ANNEX IV

⌦ Union ⌫ certificate as referred to in Article 2

The ⌦ Union ⌫ certificate' as defined in point (g) of Article 2 of this Regulation shall have the following features: Member States shall ensure that the ⌦ Union ⌫ certificates ⌦ that ⌫ they issue shall be identical. To this end, they shall submit to the Commission specimens of the ⌦ Union ⌫ certificates to be issued.

Member States shall be responsible for having the ⌦ Union ⌫ certificates printed. The ⌦ Union ⌫ certificates may be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each ⌦ Union ⌫ certificate. Each ⌦ Union ⌫ certificate shall bear an indication of the printer's name and address or a mark enabling the printer to be identified. The printer shall be a High Security Banknote Printer. The printer shall provide suitable references from governmental and commercial customers.

The European Commission shall make specimens of original ⌦ Union ⌫ certificates available to ⌦ Union ⌫ authorities.

Materials

– Dimensions: A4 (210 mm × 297 mm);

– Watermarked with invisible (yellow/blue) UV fibres;

– Solvent sensitive;

– UV dull (features in the document stand out clearly when highlighted under a Ultra-violet lamp);

– 95 g/m^2 paper.

Printing

– Rainbow background tint (solvent sensitive);

– The 'rainbow' effect has a security background that ⌦ does ⌫ not visualise when photocopied.

– The inks used must be 'solvent sensitive' to protect the document against attack from chemicals used to alter infilled text, such as bleach.

– 1 Colour background tint (permanent and light fast);

– Ensure that a secondary 'Rainbow' is printed to prevent the ⌦ Union ⌫ certificates from exposure to sunlight.

– UV invisible working (stars of the EU Flag);

– The security printer ⌦ shall ⌫ apply the correct weight of ink to ensure that the UV feature is invisible in normal light.

– EU Flag: Printed gold and European blue;

– Intaglio Border;

– Tactile Intaglio ink is one of the most important features in the document.

– Extra Small Print line reading ‘Kimberley Process Certificate’;

– Latent image: KP;

– Micro-text reading ‘KPCS’;

– The document design must incorporate anticopy (‘Medallion’) features into the background fine-line printing.

Numbering

– Each ⌦ Union ⌫ certificate shall have a unique serial number, preceded by the code: EU.

– The Commission shall attribute the serial numbers to the Member States that intend to issue ⌦ Union ⌫ certificates.

– There should be two types of matching numbering — visible and invisible:

– First = 8 digit sequential, once on all parts of the document, printed black

  – The printer shall hold all responsibility for numbering every ⌦ Union ⌫ certificate.

  – The printer shall also keep a database of all numbering.

– Second = 8 digit sequential invisible printed numbering (matching above), fluorescing under UV light.

Language

English and, where relevant, the language(s) of the Member State concerned.

Lay out and finishing

Obligatory features

Slot perforated in 1 position, cut to singles A4 size, at 100 mm from right edge

(a) left side


EUROPEAN UNION

Unique Number: EU

KIMBERLEY
PROCESS CERTIFICATE

The rough diamonds in this shipment have been handled in accordance with the provisions of the Kimberley Process Certification Scheme for rough diamonds.

Country of Mining Origin: ..... Number of Parcels:

Country of Provenance .....

Name and address of exporter ..... Name and address of importer

HS classification	Carat	Value (US$)
7102.10		
7102.21		
7102.31		

THIS CERTIFICATE

Issued on : ..... Expires on

Signature of Authorised Officer / OfficialStamp

(b) right side

Unique Number: EU

EUROPEAN UNION
KIMBERLEY
PROCESS CERTIFICATE
IMPORT CONFIRMATION

It is hereby certified that the rough diamonds
in this shipment exported

From.....

Were accepted for import

Into.....

.....

By.....

On.....

And that the import has been checked and verified
in compliance with the provisions
of the Kimberley Process Certification Scheme
for rough diamonds.

HS classification	Carat	Value (US$)
7102.10		
7102.21		
7102.31		

Signature of Authorised Officer

Stamp of Importing Authority

↓ 2020/2149

ANNEX V

List of diamond organisations implementing the system of warranties and industry self-regulation referred to in Articles 11 and 15

Antwerpsche Diamantkring CV

Hoveniersstraat 2 bus 515

B-2018 Antwerpen

Beurs voor Diamanthandel CV

Pelikaanstraat 78

B-2018 Antwerpen

Diamantclub van Antwerpen CV

Pelikaanstraat 62

B-2018 Antwerpen

Vrije Diamanthandel NV

Pelikaanstraat 62

B-2018 Antwerpen

↑

ANNEX VI

Repealed Regulation with list of the successive amendments thereto

Council Regulation (EC) No 2368/2002	(OJ L 358, 31.12.2002, p. 28)
Council Regulation (EC) No 254/2003	(OJ L 36, 12.2.2003, p. 7)
Commission Implementing Regulation (EU) No 947/2012	(OJ L 282, 16.10.2012, p. 27)
Regulation (EU) No 257/2014 of the European Parliament and of the Council	(OJ L 84, 20.3.2014, p. 69)
Commission Implementing Regulation (EU) 2019/1189	(OJ L 187, 12.7.2019, p. 14)
Commission Implementing Regulation (EU) 2020/130	(OJ L 27, 31.1.2020, p. 10)
Commission Implementing Regulation (EU) 2020/2149	(OJ L 428, 18.12.2020, p. 38)

ANNEX VII

CORRELATION TABLE

Regulation (EC) No 2368/2002	This Regulation
Articles 1 to 5	Articles 1 to 5
Articles 6 and 7	–
Article 8	Article 6
Article 9	Article 7
Article 10	Article 8
Article 11	Article 9
Article 12	Article 10
Article 13	Article 11
Article 14	Article 12
Article 15	Article 13
Article 16	Article 14
Article 17(1) to (4)	Article 15(1) to (4)
Article 17(5)(a)	Article 15(5) first subparagraph
Article 17(5)(b)	Article 15(5) second subparagraph
Article 17(6)	Article 15(6)
Article 17(7)(a)	Article 15(7) first subparagraph
Article 17(7)(b)	Article 15(7) second subparagraph
Article 17(8), (9) and (10)	Article 15(8), (9) and (10)
Article 18	Article 16
Article 19	Article 17
Article 20	Article 18
Article 21	Article 19
Article 22(1)	Article 20(1)
Article 22(2) first subparagraph	Article 20(2)

Article 22(2) second subparagraph	–
Article 22(3)	–
Article 23	Article 21
Article 24	Article 22
Article 25	Article 23
Article 26	Article 24
Article 27	Article 25
Article 28	Article 26
–	Article 27
Article 29(1) and (2)	Article 28(1) and (2)
Article 29(3)	–
Annexes I to V	Annexes I to V
–	Annex VI
–	Annex VII