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COM(2021) 115 final

2021/0060 (COD)

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)**

## EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying the law of the Union so as to make it clearer and more accessible to citizens, thus giving them new opportunities and the chance to make use of the specific rights it gives them.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if the law is to be clear and transparent.

2. On 1 April 1987 the Commission decided<sup>1</sup> to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that their provisions are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this<sup>2</sup>, stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal procedure for the adoption of acts of the Union.

4. The purpose of this proposal is to undertake a codification of Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds<sup>3</sup>. The new Regulation will supersede the various acts incorporated in it<sup>4</sup>, fully preserving the content of the acts being codified. At the same time, it is also necessary to make a substantive amendment to Article 22 of that Regulation. Therefore, the proposal is being presented in the form of a recast.
5. The recast proposal was drawn up on the basis of a preliminary consolidation, in 24 official languages, of Regulation (EC) No 2368/2002 and the instruments amending it, carried out by the Publications Office of the European Union, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table set out in Annex VII to the recast Regulation.

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<sup>1</sup> COM(87) 868 PV.

<sup>2</sup> See Annex 3 to Part A of the Conclusions.

<sup>3</sup> Entered in the legislative programme for 2020.

<sup>4</sup> See Annex VI to this proposal.

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↓ 2368/2002 (adapted)

2021/0060 (COD)

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)**

⊗ THE EUROPEAN PARLIAMENT AND ⊗ THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty ⊗ on the Functioning of the European Union ⊗, and in particular Article ⊗ 207 ⊗ thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>5</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

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↓ new

(1) Council Regulation (EC) No 2368/2002<sup>6</sup> has been substantially amended several times<sup>7</sup>. Since further amendments are to be made, that Regulation should be recast in the interests of clarity.

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↓ 257/2014 recital 1 (adapted)

(2) ⊗ This ⊗ Regulation ⊗ provides for ⊗ a ⊗ Union ⊗ System of certification and import and export controls for rough diamonds for the purposes of implementing the Kimberley Process certification scheme.

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↓ 2368/2002 recital 2

(3) The Göteborg European Council of June 2001 endorsed a programme for the prevention of violent conflicts, which states, *inter alia*, that the Member States and the Commission will tackle the illicit trade in high-value commodities, including by identifying ways of breaking the link between rough diamonds and violent conflicts and supporting the Kimberley Process.

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<sup>5</sup> OJ C [...], [...], p. [...].

<sup>6</sup> Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds (OJ L 358, 31.12.2002, p. 28).

<sup>7</sup> See Annex VI.

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↓ 2368/2002 recital 4 (adapted)

- (4) There is a need  for  effective controls  on  the international trade in rough diamonds in order to prevent the trade in conflict diamonds from financing the efforts of rebel movements and their allies to undermine legitimate governments. Effective  controls  will help maintain international peace and security and will also protect the revenue from exports of rough diamonds, which is essential for the development of producer countries in Africa.
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↓ 2368/2002 recital 5 (adapted)

- (5) The Kimberley Process negotiations, bringing together the  Union  and producer and trading countries representing practically all international trade in rough diamonds, as well as the diamond industry and representatives of civil society, were initiated with a view to developing such an effective control system. They led to the development of a certification scheme.
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↓ 2368/2002 recital 6

- (6) All participants accepted the outcome of the negotiations as the basis for implementing measures within their own jurisdiction.
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↓ 2368/2002 recital 7

- (7) In its resolution 56/263, the UN General Assembly welcomed the certification scheme developed in the Kimberley Process and called on all interested parties to participate in that scheme.
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↓ 2368/2002 recital 8 (adapted)

- (8) Implementation of the certification scheme requires that imports and exports of rough diamonds into or from the territory of the  Union  be made subject to the certification scheme, including the issue of the relevant certificates by participants in the  certification  scheme.
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↓ 2368/2002 recital 9

- (9) Each Member State may designate the authority or authorities responsible for the implementation of the relevant provisions of this Regulation within its territory and may limit the number of authorities.
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↓ 2368/2002 recital 10 (adapted)

- (10) The validity of certificates for imported rough diamonds should be properly verified by the competent authorities of the  Union .

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↓ 2368/2002 recital 11 (adapted)

- (11) Compliance with this Regulation should not be construed as equivalent or as an alternative to compliance with any other requirements under  Union  legislation.
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↓ 2368/2002 recital 12

- (12) In order to increase the effectiveness of the certification scheme, circumvention or attempts to circumvent should be prevented. Likewise, providers of ancillary or directly related services should exercise due diligence in establishing that the provisions of this Regulation are duly applied.
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↓ 2368/2002 recital 13

- (13) Export certificates for rough diamonds should only be issued and validated where there is conclusive evidence that those diamonds have been imported under a certificate.
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↓ 2368/2002 recital 14 (adapted)

- (14) Circumstances may justify that the competent authority of the importing participant should send the competent authority of the exporting participant confirmation of  the  import of shipments of rough diamonds.
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↓ 2368/2002 recital 15

- (15) A system of warranties and industry self-regulation of the kind proposed by the representatives of the rough diamond industry in the Kimberley Process could facilitate the provision of such conclusive evidence.
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↓ 2368/2002 recital 17

- (16) Each Member State should determine the sanctions applicable in the event of a breach of this Regulation.
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↓ 2368/2002 recital 18 (adapted)

- (17) The provisions of this Regulation concerning the import and export of rough diamonds should not apply to rough diamonds transiting the  Union  in the course of export to another participant.
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↓ 2368/2002 recital 19 (adapted)

- (18) For the purposes of implementing the certification scheme, the  Union  should be a participant in the Kimberley Process certification scheme. It should be represented by the Commission at meetings of participants in the Kimberley Process certification scheme.

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↓ 2368/2002 recital 20

⇒ new

(19) ⇒ In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>8</sup>. ~~↵ The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>9</sup>.~~

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↓ 2368/2002 recital 21

(20) A forum should be created to enable the Commission and the Member States to examine questions concerning the application of this Regulation,

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↓ 2368/2002 (adapted)

☒ HAVE ☒ ADOPTED THIS REGULATION:

## CHAPTER I

### SUBJECT MATTER AND DEFINITIONS

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↓ 257/2014 Art. 1.1 (adapted)

#### *Article 1*

This Regulation ☒ provides for ☒ a Union system of certification and import and export controls for rough diamonds for the purposes of implementing the Kimberley Process certification scheme.

For the purposes of the certification scheme, the territory of the Union and that of Greenland shall be considered as one entity without internal borders.

This Regulation ☒ shall ☒ not prejudice or substitute any provisions in force relating to customs formalities and controls.

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↓ 2368/2002

#### *Article 2*

For the purposes of this Regulation, the following definitions shall apply:

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<sup>8</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011 p. 13).

<sup>9</sup> OJ L 184, 17.7.1999, p. 23.

- (a) 'Kimberley Process' means the forum in which the participants have designed an international certification scheme for rough diamonds;
  - (b) 'Kimberley Process certification scheme' ('KP certification scheme') means the international certification scheme negotiated by the Kimberley Process as set out in Annex I;
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↓ 254/2003 Art. 1.1 (adapted)

- (c) 'Participant' means any State, regional economic integration organisation, WTO-member or separate customs territory that fulfils the requirements of the KP certification scheme, ☒ which ☒ has notified that fact to the Chair of the KP certification scheme and ☒ which ☒ is listed in Annex II;
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↓ 2368/2002 (adapted)

- (d) 'certificate' means a document duly issued and validated by a participant's competent authority identifying a shipment of rough diamonds as ☒ complying ☒ with the requirements of the KP certification scheme;
- (e) 'competent authority' means the authority designated by a participant to issue, validate or verify certificates;
- (f) '☒ Union ☒ authority' means a competent authority designated by a Member State and listed in Annex III;
- (g) '☒ Union ☒ certificate' means a certificate corresponding to the specimen in Annex IV and issued by a ☒ Union ☒ authority;
- (h) 'conflict diamonds' means rough diamonds as defined under the KP Certification Scheme;
- (i) 'rough diamond' means a diamond that is unworked or simply sawn, cleaved or bruted and falls under the Harmonised Commodity Description and Coding System 710210, 710221 and 710231 ('HS code');
- (j) 'imports' means the physical entering or bringing into any part of the geographical territory of a participant;
- (k) 'export' means the physical leaving or taking out of any part of the geographical territory of a participant;
- (l) 'shipment' means one or more parcels;
- (m) 'parcel' means one or more diamonds that are packed together;
- (n) 'parcel of mixed origin' means a parcel that contains rough diamonds from two or more countries of origin;
- (o) '☒ Union ☒ territory' means the territories of the Member States to which the ☒ Treaties are ☒ applicable, under the conditions laid down in ☒ those Treaties ☒;
- (p) 'Certified stock' means a stock of rough diamonds to which this Regulation applies, and whose location, volume and value, and changes therein, have been submitted to ☒ the ☒ effective supervision of a Member State;

- (q) ‘Customs transit’ means transit as provided for by Articles  $\boxtimes$  226 and 227  $\boxtimes$  of Regulation (EU) No 952/2013 of the European Parliament and of the Council<sup>10</sup>.

## CHAPTER II

### IMPORT REGIME

#### Article 3

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↓ 257/2014 Art. 1.2 (adapted)

The import of rough diamonds into the  $\boxtimes$  Union  $\boxtimes$  territory or Greenland shall be prohibited unless all of the following conditions are fulfilled:

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↓ 2368/2002

- (a) the rough diamonds are accompanied by a certificate validated by the competent authority of a participant;
- (b) the rough diamonds are contained in tamper-resistant containers, and the seals applied at export by that participant are not broken;
- (c) the certificate clearly identifies the consignment to which it refers.

#### Article 4

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↓ 257/2014 Art. 1.3 (adapted)

1. Containers and the corresponding certificates shall without delay be submitted for verification together, to a  $\boxtimes$  Union  $\boxtimes$  authority either in the Member State where they are imported or in the Member State for which they are destined, as indicated in accompanying documents. Containers destined for Greenland shall be submitted for verification to one of the  $\boxtimes$  Union  $\boxtimes$  authorities, either in the Member State where they are imported, or in one of the other Member States where a  $\boxtimes$  Union  $\boxtimes$  authority is established.

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↓ 2368/2002 (adapted)

2. In cases where rough diamonds are imported into a Member State where there is no  $\boxtimes$  Union  $\boxtimes$  authority, they shall be submitted to the appropriate  $\boxtimes$  Union  $\boxtimes$  authority in the Member State for which they are destined. If a  $\boxtimes$  Union  $\boxtimes$  authority exists neither in the importing Member State nor in the Member State of destination they shall be submitted to an appropriate  $\boxtimes$  Union  $\boxtimes$  authority in another Member State.

3. The Member State where the rough diamonds are imported shall ensure their submission to the appropriate  $\boxtimes$  Union  $\boxtimes$  authority provided for in paragraphs 1 and 2. Customs transit may be granted to that effect. If such customs transit is granted, the verification provided for by this Article shall be suspended until arrival at the appropriate  $\boxtimes$  Union  $\boxtimes$  authority.

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<sup>10</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).



4. The importer shall be responsible for the proper movement of the rough diamonds and the costs thereof.
5. A  Union  authority shall opt for either of the following methods to verify that the content of a container matches the particulars on the corresponding certificate:
  - (a) it will open each container with a view to such verification; or
  - (b) it will identify the containers to be opened with a view to such verification on the basis of a risk analysis or equivalent system that gives due consideration to rough diamond shipments.
6. A  Union  authority shall complete the verification without delay.

#### *Article 5*

1. If a  Union  authority establishes that the conditions  laid down  in Article 3 are:
  - (a) fulfilled, it shall confirm this on the original certificate and provide the importer with an authenticated and forgery-resistant copy of that confirmed certificate. This confirmation procedure shall take place within 10 working days of the submission of the certificate;
  - (b) not fulfilled, it shall detain the shipment.
2. If a  Union  authority finds that the failure to fulfil the conditions is not made knowingly or intentionally or is the result of an action by another authority in the exercise of its proper duties, it may proceed with the confirmation and release the shipment, after the necessary remedial measures have been taken to ensure that the conditions are met.
3. A  Union  authority shall, within one month, inform the Commission and the competent authority of the participant that purportedly issued or validated the certificate for the shipment of any failure to fulfil the conditions.

#### *Article 6*

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257/2014 Art. 1.4 (adapted)

1. The Commission shall consult participants on the practical arrangements for providing the competent authority of the exporting participant that has validated a certificate with confirmation of imports into the  Union  territory or Greenland.

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2368/2002 (adapted)

2. On the basis of  those  consultations, the Commission shall, in accordance with the procedure referred to in Article 20(2), lay down guidelines for such confirmation.

#### *Article 7*

The Commission shall provide all  Union  authorities with authenticated specimens of the participants' certificates, the names and other relevant details of the participants issuing and/or validating authorities, authenticated specimens of stamps and signatures attesting that a certificate has been legally issued or validated and any other relevant information received in respect of certificates.

### Article 8

1.  Union  authorities shall provide the Commission with a monthly report on all certificates submitted for verification under Article 4.

For each certificate, this report shall list at least:

- (a) the unique certificate number;
- (b) the name of the issuing and validating authorities;
- (c) the date of issue and validation;
- (d) the date of expiry of validity;
- (e) the country of provenance;
- (f) the country of origin, where known;
- (g) the HS code(s);
- (h) the carat weight;
- (i) the value;
- (j) the verifying  Union  authority;
- (k) the date of verification.

The Commission may, in accordance with the procedure referred to in Article 20(2), determine the format of this report in order to facilitate monitoring  the working  of the certification scheme.

2. The  Union  authority shall keep the originals of  the  certificates provided for under point (a) of Article 3 submitted for verification for at least three years. It shall provide the Commission or persons or bodies designated by the Commission with access to these original certificates in particular with a view to answering questions raised within the framework of the KP certification scheme.

## CHAPTER III

### EXPORT REGIME

#### Article 9

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**↓ 257/2014 Art. 1.5 (adapted)**

The export from the  Union  territory or Greenland of rough diamonds shall be prohibited unless both of the following conditions are fulfilled:

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**↓ 2368/2002 (adapted)**

- (a) the rough diamonds are accompanied by a corresponding  Union  certificate issued and validated by a  Union  authority;
- (b) the rough diamonds are contained in tamper-resistant containers sealed in accordance with Article 10.

### Article 10

1. The  Union  authority may issue a  Union  certificate to an exporter when it has established that:

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↓ 257/2014 Art. 1.6 (adapted)

- (a) the exporter has provided conclusive evidence that:
    - (i) the rough diamonds for which a certificate is being requested were lawfully imported in accordance with Article 3; or
    - (ii) the rough diamonds for which a certificate is being requested were mined or extracted in Greenland  where  the rough diamonds have not been previously exported to a participant other than the Union;
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↓ 2368/2002 (adapted)

- (b) the other information requested on the certificate is correct;
- (c) the rough diamonds are effectively destined for arrival in the territory of a participant, and
- (d) the rough diamonds are to be transported in a tamper-resistant container.

2. A  Union  authority shall not validate a  Union  certificate until it has verified that the content of the container matches the particulars on the corresponding certificate and that the tamper-resistant container containing the rough diamonds has subsequently been sealed  under  the responsibility of that authority.

3. A  Union  authority shall opt for either of the following methods to verify that the content of a container matches the particulars thereon on the certificate:

- (a) it will verify the content of each container; or
- (b) it will identify the containers, the content of which shall be verified, on the basis of a risk analysis or equivalent system that gives due consideration to rough diamond shipments.

4. The  Union  authority shall provide the exporter with an authenticated forgery-resistant copy of the  Union  certificate it has validated. The exporter shall keep any copy accessible for at least three years.

5. The  Union  certificate shall be valid for export for no more than two months from the date of issue. If the rough diamonds are not exported within ~~the~~  that  period, the  Union  certificate shall be returned to the issuing  Union  authority.

### Article 11

If an exporter is a member of a diamond organisation listed in Annex V, the  Union  authority may accept as conclusive evidence of lawful import into the  Union  a signed declaration by the exporter to that effect. Such a declaration shall contain at least the information to be given in an invoice under Article 15(2)(a)(ii).

### Article 12

1. If a  Union  authority establishes that a shipment of rough diamonds, for which a  Union  certificate is requested, does not fulfil the conditions of Articles 9, 10 or 11, that authority shall detain the shipment.
2. If a  Union  authority finds that the failure to fulfil the conditions is not made knowingly or intentionally or is the result of an action by another authority in the exercise of its proper duties, it may release the shipment and proceed with the issuing and validation of a  Union  certificate, after the necessary remedial measures have been taken to ensure that the conditions are met.
3. The  Union  ~~Community~~ authority shall, within one month, inform the Commission and the competent authority of the participant that purportedly issued or validated the certificate for the shipment of any failure to fulfil the conditions.

### Article 13

1.  Union  authorities shall provide the Commission with a monthly report on all  Union  certificates issued and validated by them.

For each certificate, this report shall list at least:

- (a) the unique certificate number;
- (b) the name of the issuing and validating authorities;
- (c) the date of issue and validation;
- (d) the date of expiry of validity;
- (e) the country of provenance;
- (f) the country of origin, where known;
- (g) the HS code(s);
- (h) the carat weight and value.

In accordance with the procedure referred to in Article 20(2), the Commission may determine the format of the report in order to facilitate monitoring  the working  of the certification scheme.

2.  Union  authorities shall keep for at least three years the authenticated copies provided for under Article 10(4) as well as all information received from an exporter to justify the issue and validation of a  Union  certificate.

They shall provide the Commission or persons or bodies designated by the Commission with access to those authenticated copies and  that  information, in particular with a view to answering questions raised within the framework of the KP certification scheme.

### Article 14

1. The Commission shall consult participants on the practical arrangements for obtaining confirmation of imports of rough diamonds exported from the  Union  covered by a certificate validated by the  Union  authority.
2. On the basis of  those  consultations, the Commission shall, in accordance with the procedure referred to in Article 20(2), lay down guidelines for such confirmation.

# CHAPTER IV

## INDUSTRY SELF-REGULATION

### *Article 15*

1. Organisations representing traders in rough diamonds which have established a system of warranties and industry self-regulation for the purposes of implementing the KP Certification Scheme may apply to the Commission for listing in Annex V directly or through the appropriate  Union  authority.

2. When applying for listing, an organisation shall:

- (a) provide conclusive evidence that adopted rules and regulations whereby its members dealing in rough diamonds, whether natural or legal persons, undertake that they will:
  - (i) sell only diamonds purchased from legitimate sources in compliance with the provisions of relevant United Nations Security Council Resolutions and of the  KP  Certification Scheme and guarantee in writing on the invoice accompanying each sale of rough diamonds that, on the basis of their personal knowledge and/or written warranties provided by the supplier of such rough diamonds, the rough diamonds sold are therefore not conflict diamonds;
  - (ii) see that each sale of rough diamonds is accompanied by an invoice containing the said signed guarantee unequivocally identifying the seller and buyer and their registered offices, containing the VAT identification number of the seller, where applicable, the quantity/weight and qualification of the goods sold, the value of the transaction and the date of delivery;
  - (iii) not buy rough diamonds from suspect or unknown sources of supply and/or rough diamonds originating in non-participants in the KP certification scheme;
  - (iv) not buy rough diamonds from any source found, after legally binding due process, to have violated government laws and regulations concerning the trade in conflict diamonds;
  - (v) not buy rough diamonds in, or from, any region that is the subject of an advisory notice from a governmental or KP certification scheme authority to the effect that conflict diamonds are emanating from, or are available for sale in, that region;
  - (vi) not knowingly buy, sell or assist others in buying or selling conflict diamonds;
  - (vii) ensure that all employees buying or selling rough diamonds within the diamond trade are fully informed of trade resolutions and government regulations restricting the trade in conflict diamonds;
  - (viii) create and maintain for at least three years records of invoices received from suppliers and issued to customers;
  - (ix) instruct an independent auditor to certify that  those  records have been created and maintained accurately and either that it has identified no transactions which failed to comply with the undertakings referred to in (i) to (viii) or that any transaction which failed to comply with such undertakings has been duly reported to the appropriate  Union  authority;

and

- (b) provide conclusive evidence that it has adopted rules and regulations which oblige the organisation:
  - (i) to expel any member found, after a due process inquiry by the organisation itself, to have seriously violated the abovementioned undertakings; and
  - (ii) to publicise that member's expulsion and notify the Commission thereof;
  - (iii) to make known to all its members all governmental and KP certification scheme laws, regulations and guidelines regarding conflict diamonds and the names of any natural or legal person found guilty, after legally binding due process, of violating these laws and regulations;

and

- (c) provide the Commission and the appropriate  Union  authority with a complete list of all its members dealing in rough diamonds, including full names, addresses, location and other information which will contribute to avoiding mistaken identities.

3. Organisations covered by this Article shall immediately notify the Commission and the  Union  authority of a Member State  where  they are resident or established of all changes in their membership subsequent to the application for listing.

4. In accordance with the procedure referred to in Article 20(2), the Commission shall list in Annex V each organisation that fulfils the requirements of this Article. It shall notify all  Union  authorities of the names and other relevant particulars of the members of listed organisations and any changes therein.

5. A listed organisation or a member thereof shall provide the relevant  Union  authority with access to any information that may be needed to assess the proper functioning of the system of warranties and industry self-regulation. Where circumstances justify, that  Union  authority may require additional guarantees that an organisation is able to maintain a credible system.

The appropriate  Union  authority shall report its assessment to the Commission on an annual basis.

6. If, in the course of monitoring the proper functioning of the system, a  Union  authority in a Member State obtains credible information that a listed organisation covered by this Article and established or resident in that Member State, or a member thereof established or resident in that Member State, is infringing the provisions of this Article, it shall inquire into the matter to verify whether the provisions of this Article have effectively been infringed.

7. If the Commission has credible information that a listed organisation or a member thereof is infringing the provisions of this Article, it shall request an assessment of the situation by the  Union  authority of a Member State  where  the organisation or its member is resident or established. Upon such request, the relevant  Union  authority shall promptly inquire into the matter and duly inform the Commission of its findings.

If the Commission, on the basis of reports, assessments or other pertinent information, comes to the conclusion that a system of warranties and industry self-regulation does not function properly, and the issue has not been addressed adequately, the Commission shall take the necessary measures in accordance with the procedure referred to in Article 20(2).

8. If an inquiry leads to the conclusion that an organisation is infringing the provisions of this Article, the  Union  authority of a Member State  where  that organisation is

resident or established will notify the Commission thereof without delay. In turn, the Commission, in accordance with the procedure referred to in Article 20(2), shall take the appropriate measures with a view to removing that organisation from the list in Annex V.

9. If a listed organisation or one or more of its members are established or resident in a Member State that has not designated a ☒ Union ☒ authority for the purposes of this Article, the Commission shall be the ☒ Union ☒ authority for that organisation or those members.

10. Organisations or their members covered by this Article acting in the territory of a participant other than the ☒ Union ☒ shall be considered to have complied with the provisions of this Article if they comply with the rules and regulations that this participant has laid down for the purpose of implementing the ☒ KP☒ Certification Scheme.

## CHAPTER V

### TRANSIT

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↓ 257/2014 Art. 1.7 (adapted)

#### *Article 16*

Articles 4, 9, 10, and 12 shall not apply to rough diamonds which enter the ☒ Union ☒ territory or Greenland solely for the purposes of transit to a participant outside those territories, on condition that neither the original container in which rough diamonds are being transported nor the original accompanying certificate issued by a competent authority of a participant has been tampered with at entry into or exit from the ☒ Union ☒ territory or Greenland, and the transit purpose is clearly attested by the accompanying certificate.

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↓ 2368/2002 (adapted)

## CHAPTER VI

### GENERAL PROVISIONS

#### *Article 17*

1. Member States may designate one or more authorities in their territory as ☒ a Union ☒ authority and may attribute different tasks to them.
2. Member States designating a ☒ Union ☒ authority shall provide the Commission with the information showing that their designated ☒ Union ☒ authorities can reliably, timely, effectively and adequately fulfil the tasks required by this Regulation.
3. Member States may limit the number of points where the formalities provided for in this Regulation can be completed. They shall notify the Commission thereof. Based on the information provided under paragraphs 1 and 2 ☒ of this Article ☒ and in accordance with the procedure referred to in Article 20(2), the Commission shall maintain in Annex III a list of ☒ Union ☒ authorities, their location and the tasks entrusted to them.

4. ☒ Union ☒ authorities may ask an economic operator to pay a fee for the production, issue and/or validation of a certificate and for a physical inspection in accordance with Articles 4 and 12. Under no circumstances shall the amount of that fee exceed the costs incurred by that competent authority for the operation concerned. No levies or similar duties shall be charged in relation to such operations.

5. Member States shall notify the Commission of the option they choose under Articles 4(5) and 10(3) or of subsequent changes.

6. The Commission may amend the specifications of the ☒ Union ☒ certificate with a view to improving its security, processing and functionality for the purposes of the KP certification scheme.

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↓ 254/2003 Art. 1.2 (adapted)

#### Article 18

On the basis of relevant Information provided ☒ by ☒ the Chair of the KP certification scheme and/or by participants, the Commission may amend the list of participants and their competent authorities.

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↓ 257/2014 Art. 1.8

#### Article 19

1. The Union, including Greenland, shall be a participant in the KP certification scheme.

2. The Commission, which represents the Union, including Greenland, in the KP certification scheme, shall aim to ensure optimal implementation of the KP certification scheme, in particular through cooperation with participants. To this end, the Commission shall, in particular, exchange information with participants on international trade in rough diamonds and, where appropriate, cooperate in monitoring activities and in the settlement of any disputes that may arise.

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↓ 2368/2002  
⇒ new

#### Article 20

1. ~~In the performance of its duties under Articles 8, 10, 15, 16, 17 and 19,~~ The Commission shall be assisted by a Committee ~~(hereinafter referred to as ‘the Committee’)~~. ⇒ That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. ⇐

2. Where reference is made to this paragraph, Articles 5 ~~and 7~~ of Regulation (EU) No 182/2011 shall apply.

~~The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at ten working days.~~

~~3. The Committee shall establish its rules of procedure.~~



*Article 21*

The Committee referred to in Article 20 may examine any question concerning the application of this Regulation. Such questions may be raised either by the ☒ Chair ☒ or by a representative of a Member State or Greenland.

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*Article 22*

1. Any natural or legal person providing services directly or indirectly related to the activities covered by Articles 3, 4, 9, 10, 11, 15 or 16 shall exercise due diligence for establishing that the activities for which it provides services comply with the provisions of this Regulation.
2. The participation, knowingly and intentionally, in activities, the object or effect of which is, directly or indirectly, to circumvent the provisions of this Regulation shall be prohibited.
3. The Commission shall be notified of any information suggesting that the provisions of this Regulation are being, or have been, circumvented.

*Article 23*

Information supplied in accordance with this Regulation shall be used only for the purposes for which it was provided.

Information which is by nature confidential or which is provided on a confidential basis shall be covered by the obligation of professional secrecy. It shall not be disclosed by the Commission without the express permission of the person providing it.

Communication of such information shall, however, be permitted where the Commission is obliged or authorised to do so, in particular in connection with legal proceedings. Such communication must take into account the legitimate interests of the person concerned that his or her business secrets should not be divulged.

This Article shall not preclude the disclosure of general information by the Commission. Such disclosure shall not be permitted if this is incompatible with the original purpose of such information.

In the event of a breach of confidentiality, the originator of the information shall be entitled to obtain that it be deleted, disregarded or rectified, as the case may be.

*Article 24*

Compliance with this Regulation ☒ shall ☒ not discharge any natural or legal person from compliance, fully or partially, with any other obligation under other ☒ Union ☒ or national legislation.

*Article 25*

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive and

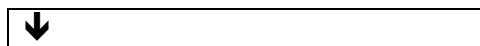
shall be capable of preventing those responsible for the infringement from obtaining any economic benefit from their action.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall, where relevant, be those determined by the Member States in order to give effect to Article 5 of Council Regulation (EC) No 303/2002<sup>11</sup>.

#### Article 26

This Regulation shall apply:

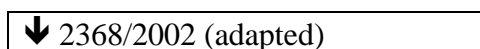
- (a) within the  Union  territory, including its airspace, or on board any aircraft or any vessel under the jurisdiction of a Member State;
- (b) to any national of a Member State, and to any legal person, entity, or body which is incorporated or constituted under the law of a Member State.



#### Article 27

Regulation (EC) No 2368/2002 is repealed.

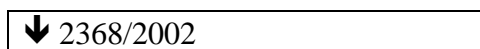
References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VII.



#### Article 28

1. This Regulation shall enter into force on the  twentieth  day  following that  of its publication in the *Official Journal of the European  Union* .

2. The Commission shall report annually or at any other time as necessary  to the European Parliament and  to the Council on the implementation of this Regulation and the need for a review or repeal of  this  Regulation.



This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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<sup>11</sup> Council Regulation (EC) No 303/2002 of 18 February 2002 concerning the importation into the Community of rough diamonds from Sierra Leone (OJ L 47, 19.2.2002, p. 8).



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)**

**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 transshipment, 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. An 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.
-

**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, 6<sup>th</sup> 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 Almamy/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, 17<sup>th</sup> 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

1<sup>st</sup> 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  
Sarıyer, 34467, İstanbul  
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<sup>1</sup>**

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

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<sup>1</sup> 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

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### **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'Économie 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](mailto: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](mailto: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](mailto: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

Krelingstraße 50

D-90408 Nürnberg

Tel. +49 228 303-49874

Fax +49 228 303-99106

Email: [DVIA3.gzd@zoll.bund.de](mailto: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](mailto: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](mailto: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](http://www.anpc.ro)

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## 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<sup>2</sup> 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: .....

KPS classification	Carat	Value (US\$)
7102.10		
7102.21		
7102.31		

THIS CERTIFICATE  
Issued on : ..... Expires on : .....

Signature of Authorised Officer / Official Stamp

(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

\_\_\_\_\_

**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 Diamanthehandel CV

Pelikaanstraat 78

B-2018 Antwerpen

Diamantclub van Antwerpen CV

Pelikaanstraat 62

B-2018 Antwerpen

Vrije Diamanthehandel NV

Pelikaanstraat 62

B-2018 Antwerpen

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## **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)

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**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

## **Information Note**

### **1. Proposal**

*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)*

### **2. Date of Commission document**

*12/03/2021*

### **3. Number of Commission document**

*COM(2021) 115 final*

### **4. Number of Council document:**

*2021/0060*

### **5. Dealt with in Brussels by**

*The European Parliament and the Council of the European Union,*

### **6. Department with primary responsibility**

*Department of the Environment, Climate and Communications*

### **7. Other Departments involved**

*Office of the Revenue Commissioners, DFA*

### **8. Background to, Short summary and aim of the proposal**

*Ireland has a low volume of rough diamond trade. When the Kimberley Process Scheme was first introduced in 2003, arrangements were made with the UK Government Diamond Office to fulfil Ireland's requirements under the Regulations. During 2019 resulting from Brexit Ireland applied to the EU to become a competent authority. This was approved on the 8<sup>th</sup> July 2019 and Ireland was included, at Annex III of the Regulations in the list of Member States' competent authorities for the purpose of implementing the Regulations. The European Communities (Kimberley Process) (Trade in Rough Diamonds) Regulations 2019 SI 533 of 2019 was signed into law which designated the Minister for Communications, Climate Action and Environment as a Community Authority for the purpose of the Regulations and provide for penalties for infringements or these Regulations.*

*The purpose of this proposal is to undertake a codification of Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds and its annexes. Council Regulation (EC) No 2368/20026 has been substantially amended several times and the Regulation is being recast in the interests of clarity. The new Regulation will supersede the various acts incorporated in it, in the interests of clarity while fully preserving the content of the acts being codified. Proposed changes to the annexes relate to updates to the list of participants in the Kimberley Process certification scheme and the removal from annex III of the United Kingdom from the list of Union Authorities and including it in the main list in annex II of Kimberley Process Participants.*

### **9. Legal basis of the proposal**

*The legal basis of the proposal is Article 207 of the Treaty on the Functioning of the European*

*Union.*

**10. Voting Method**

*QMV*

**11. Role of the EP**

*Co-decision*

**12. Category of proposal**

*Little significance*

**13. Implications for Ireland & Ireland's Initial View'**

*No implications. Ireland supports the measure.*

**14. Impact on the public**

*Not applicable*

**15. Have any consultations with Stakeholders taken place or are there any plans to do so?**

*No.*

**16. Are there any subsidiarity issues for Ireland?**

*No.*

**17. Anticipated negotiating period**

*Not known*

**18. Proposed implementation date**

*This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.*

**19. Consequences for national legislation**

*Brief description of implementation measures*

*A technical amendment will be required to update the SI European Communities (Kimberley Process) (Trade in Rough Diamonds) Regulations 2019 (SI 533 of 2019)*

**20. Method of Transposition into Irish law**

*Amendment to be made to S.I. No. 533 of 2019*

**21. Anticipated Transposition date**

*Not known*

**22. Consequences for the EU budget in Euros annually**

*None*

**23. Contact name, telephone number and e-mail address of official in Department with primary responsibility**

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