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**Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EC) No 2368/2002. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## ANNEX I

### Kimberley Process Certification Scheme

#### 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.

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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.

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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.

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**Changes and effects yet to be applied to :**

- Regulation words substituted by [S.I. 2019/844 reg. 3\(2\)\(a\)](#)
- Regulation words substituted by [S.I. 2019/844 reg. 3\(2\)\(b\)](#)
- Regulation words substituted by [S.I. 2019/844 reg. 3\(2\)\(c\)](#)

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Art. 1 words omitted by [S.I. 2019/844 reg. 4\(3\)](#)
- Art. 1 words substituted by [S.I. 2019/844 reg. 4\(2\)](#)
- Annex 2-5 omitted by [S.I. 2019/844 reg. 30](#)
- Art. 2(c) words substituted by [S.I. 2019/844 reg. 5\(2\)](#)
- Art. 2(f) substituted by [S.I. 2019/844 reg. 5\(3\)](#)
- Art. 2(g) substituted by [S.I. 2019/844 reg. 5\(4\)](#)
- Art. 2(o)-(q) omitted by [S.I. 2019/844 reg. 5\(5\)](#)
- Art. 3 words omitted by [S.I. 2019/844 reg. 6](#)
- Art. 4(1) substituted for Art. 4(1)-(3) by [S.I. 2019/844 reg. 7](#)
- Art. 5(3) words omitted by [S.I. 2019/844 reg. 8](#)
- Art. 6 omitted by [S.I. 2019/844 reg. 9](#)
- Art. 7 omitted by [S.I. 2019/844 reg. 10](#)
- Art. 8(1) words omitted by [S.I. 2019/844 reg. 11\(2\)\(b\)](#)
- Art. 8(1) words substituted by [S.I. 2019/844 reg. 11\(2\)\(a\)](#)
- Art. 8(2) omitted by [S.I. 2019/844 reg. 11\(3\)](#)
- Art. 9 omitted by [S.I. 2019/844 reg. 12](#)
- Art. 10(1) omitted by [S.I. 2019/844 reg. 13\(2\)](#)
- Art. 10(2) words substituted by [S.I. 2019/844 reg. 13\(3\)\(a\)](#)
- Art. 10(2) words substituted by [S.I. 2019/844 reg. 13\(3\)\(b\)](#)
- Art. 11 words omitted by [S.I. 2019/844 reg. 14\(2\)](#)
- Art. 11(a) words inserted by [S.I. 2019/844 reg. 14\(3\)](#)
- Art. 11(a) words substituted in earlier amending provision [S.I. 2019/844, reg. 14\(3\)](#) by [S.I. 2020/1473 reg. 3](#)
- Art. 12(1)(a)(i) word omitted by [S.I. 2019/844 reg. 15\(2\)](#)
- Art. 12(1)(a)(ii) omitted by [S.I. 2019/844 reg. 15\(3\)](#)
- Art. 12(5) word omitted by [S.I. 2019/844 reg. 15\(4\)](#)
- Art. 13 words substituted by [S.I. 2019/844 reg. 16\(2\)](#)
- Art. 13 words substituted by [S.I. 2019/844 reg. 16\(3\)](#)
- Art. 14(3) words omitted by [S.I. 2019/844 reg. 17](#)
- Art. 15(1) omitted by [S.I. 2019/844 reg. 18\(2\)](#)
- Art. 15(2) substituted by [S.I. 2019/844 reg. 18\(3\)](#)
- Art. 16(1) words substituted by [S.I. 2019/844 reg. 19\(2\)\(a\)](#)
- Art. 16(1) words substituted by [S.I. 2019/844 reg. 19\(2\)\(b\)](#)
- Art. 16(2) omitted by [S.I. 2019/844 reg. 19\(3\)](#)
- Art. 17(1) words substituted by [S.I. 2019/844 reg. 20\(2\)\(a\)](#)
- Art. 17(1) words substituted by [S.I. 2019/844 reg. 20\(2\)\(b\)](#)
- Art. 17(2)(a) words omitted by [S.I. 2019/844 reg. 20\(3\)\(a\)](#)
- Art. 17(2)(a)(ix) words inserted by [S.I. 2019/844 reg. 20\(3\)\(b\)](#)
- Art. 17(2)(a)(ix) words substituted in earlier amending provision [S.I. 2019/844, reg. 20\(3\)\(b\)](#) by [S.I. 2020/1473 reg. 4](#)
- Art. 17(2)(b)(ii) words substituted by [S.I. 2019/844 reg. 20\(3\)\(c\)](#)
- Art. 17(2)(c) words omitted by [S.I. 2019/844 reg. 20\(3\)\(d\)](#)

- Art. 17(3) words omitted by S.I. 2019/844 reg. 20(4)(a)
- Art. 17(3) words omitted by S.I. 2019/844 reg. 20(4)(b)
- Art. 17(4) substituted by S.I. 2019/844 reg. 20(5)
- Art. 17(5)(b) omitted by S.I. 2019/844 reg. 20(6)
- Art. 17(6) words omitted by S.I. 2019/844 reg. 20(7)(a)
- Art. 17(6) words omitted by S.I. 2019/844 reg. 20(7)(b)
- Art. 17(6) words omitted by S.I. 2019/844 reg. 20(7)(c)
- Art. 17(7) omitted by S.I. 2019/844 reg. 20(8)
- Art. 17(8) words omitted by S.I. 2019/844 reg. 20(9)(a)
- Art. 17(8) words substituted by S.I. 2019/844 reg. 20(9)(b)
- Art. 17(9) omitted by S.I. 2019/844 reg. 20(10)
- Art. 17(10) words substituted by S.I. 2019/844 reg. 20(11)
- Art. 18 words omitted by S.I. 2019/844 reg. 21(2)
- Art. 18 words substituted by S.I. 2019/844 reg. 21(3)
- Art. 19(1) omitted by S.I. 2019/844 reg. 22(2)
- Art. 19(2) words substituted by S.I. 2019/844 reg. 22(3)
- Art. 19(3) omitted by S.I. 2019/844 reg. 22(4)
- Art. 19(4) words substituted by S.I. 2019/844 reg. 22(5)
- Art. 19(5) omitted by S.I. 2019/844 reg. 22(6)
- Art. 19(6) omitted by S.I. 2019/844 reg. 22(7)
- Art. 20 words substituted by S.I. 2019/844 reg. 23
- Art. 21-23 omitted by S.I. 2019/844 reg. 24
- Art. 24(3) omitted by S.I. 2019/844 reg. 25
- Art. 25 words omitted by S.I. 2019/844 reg. 26
- Art. 26 words omitted by S.I. 2019/844 reg. 27
- Art. 28 words substituted by S.I. 2019/844 reg. 28
- Art. 29 substituted by S.I. 2019/844 reg. 29