

Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds

CHAPTER I

SUBJECT MATTER AND DEFINITIONS

- Article 1 This Regulation sets up a Union system of certification and...  
Article 2 For the purposes of this Regulation the following definitions shall...

CHAPTER II

IMPORT REGIME

- Article 3 The import of rough diamonds into the Community territory or...  
Article 4 (1) Containers and the corresponding certificates shall without delay be...  
Article 5 (1) If a Community authority establishes that the conditions in...  
Article 6 (1) Until the date of applicability of the Articles referred...  
Article 7 Notwithstanding the provisions of Articles 3, 4 and 5, a...  
Article 8 (1) The Commission shall consult participants on the practical arrangements...  
Article 9 The Commission shall provide all Community authorities with authenticated specimens...  
Article 10 (1) Community authorities shall provide the Commission with a monthly...

CHAPTER III

EXPORT REGIME

- Article 11 The export from the Community territory or Greenland of rough...  
Article 12 (1) The Community authority may issue a Community certificate to...  
Article 13 If an exporter is a member of a diamond organisation...  
Article 14 (1) If a Community authority establishes that a shipment of...  
Article 15 (1) Community authorities shall provide the Commission with a monthly...  
Article 16 (1) The Commission shall consult participants on the practical arrangements...

CHAPTER IV

INDUSTRY SELF-REGULATION

- Article 17 (1) Organisations representing traders in rough diamonds which have established...

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## CHAPTER V

### TRANSIT

Article 18 Articles 4, 11, 12, and 14 shall not apply to...

## CHAPTER VI

### GENERAL PROVISIONS

Article 19 (1) Member States may designate one or more authorities in...  
 Article 20 On the basis of relevant Information provided to the Chair...  
 Article 21 (1) The Union, including Greenland, shall be a participant in...  
 Article 22 (1) In the performance of its duties under Articles 8,...  
 Article 23 The Committee referred to in Article 22 may examine any...  
 Article 24 (1) Any natural or legal person providing services directly or...  
 Article 25 Information supplied in accordance with this Regulation shall be used...  
 Article 26 Compliance with this Regulation does not discharge any natural or...  
 Article 27 Each Member State shall determine the sanctions to be imposed...  
 Article 28 This Regulation shall apply: within the Community territory, including its...  
 Article 29 (1) This Regulation shall enter into force on the day...  
 Signature

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## ANNEX I

### Kimberley Process Certification Scheme

#### PREAMBLE

#### SECTION I

##### Definitions

#### SECTION II

##### The Kimberley Process Certificate

#### SECTION III

Undertakings in respect of the international trade in rough diamonds

#### SECTION IV

##### Internal controls

Undertakings by Participants

## Principles of Industry Self-Regulation

### SECTION V

#### Cooperation and transparency

### SECTION VI

#### Administrative matters

#### MEETINGS

1. Participants and Observers are to meet in Plenary annually, and...
2. Participants should adopt Rules of Procedure for such meetings at...
3. Meetings are to be held in the country where the...
4. At the end of each Plenary meeting, a Chair would...
5. Participants are to reach decisions by consensus. In the event...

#### ADMINISTRATIVE SUPPORT

6. For the effective administration of the Certification Scheme, administrative support...
7. Administrative support could include the following functions:

#### PARTICIPATION

8. Participation in the Certification Scheme is open on a global,...
9. Any applicant wishing to participate in the Certification Scheme should...
10. Participants intend to invite representatives of civil society, the diamond...

#### PARTICIPANT MEASURES

11. Participants are to prepare, and make available to other Participants,...
12. The agenda of annual Plenary meetings is to include an...
13. Where further clarification is needed, Participants at Plenary meetings, upon...
14. Review missions are to be conducted in an analytical, expert...
15. A report on the results of compliance verification measures is...

#### COMPLIANCE AND DISPUTE PREVENTION

16. In the event that an issue regarding compliance by a...

#### MODIFICATIONS

17. This document may be modified by consensus of the Participants....
18. Modifications may be proposed by any Participant. Such proposals should...
19. The Chair is to circulate any proposed modification expeditiously to...

#### REVIEW MECHANISM

20. Participants intend that the Certification Scheme should be subject to...

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## THE START OF THE IMPLEMENTATION OF THE SCHEME

21. The Certification Scheme should be established at the Ministerial Meeting...

### Annex I to ANNEX I

#### CERTIFICATES

- A. Minimum requirements for Certificates
- B. Optional Certificate Elements
- C. Optional Procedures

### 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...
2. Participants may consider the utility of complementing and/or enhancing the...
3. Participants are encouraged to maintain the information and data required...
4. Participants are encouraged to transmit and receive electronic messages in...
5. Participants that produce diamonds and that have rebel groups suspected...
6. Participants are encouraged to make known the names of individuals...
7. Participants are encouraged to ensure that all cash purchases of...
8. Participants that produce diamonds should analyse their diamond production under...

##### Recommendations for Control over Diamond Mines

9. Participants are encouraged to ensure that all diamond mines are...
10. Participants are encouraged to ensure that prospecting and mining companies...

##### Recommendations for Participants with Small-scale Diamond Mining

11. All artisanal and informal diamond miners should be licensed and...
12. Licensing records should contain the following minimum information: name, address,...

##### Recommendations for Rough Diamond Buyers, Sellers and Exporters

13. All diamond buyers, sellers, exporters, agents and courier companies involved...
14. Licensing records should contain the following minimum information: name, address...
15. All rough diamond buyers, sellers and exporters should be required...
16. The information in paragraph 14 above should be entered into...

##### Recommendations for Export Processes

17. An exporter should submit a rough diamond shipment to the...
18. The Exporting Authority is encouraged, prior to validating a Certificate,...
19. Rough diamonds should be sealed in a tamper proof container...
20. The Exporting Authority should record all details of rough diamond...

##### Recommendations for Import Processes

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21. The Importing Authority should receive an e-mail message either before...
22. The Importing Authority should inspect the shipment of rough diamonds...
23. The Importing Authority should open and inspect the contents of...
24. Where applicable and when requested, the Importing Authority should send...
25. The Importing Authority should record all details of rough diamond...

#### Recommendations on Shipments to and from Free Trade Zones

26. Shipments of rough diamonds to and from free trade zones...

### Annex III to ANNEX I

#### STATISTICS

Recognising that reliable and comparable data on the production and...  
to keep and publish within two months of the reference...

### ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 8, 9, 12, 17, 18, 19 and 20

ANGOLA Ministry of Mineral Resources and Petroleum Rua  
Engenheiro Armindo...  
ARMENIA Department of Gemstones and Jewellery Ministry of  
Trade and...  
AUSTRALIA Department of Foreign Affairs and Trade Trade  
Development Division...  
BANGLADESH Export Promotion Bureau TCB Bhaban 1,  
Karwan Bazaar Dhaka...  
BELARUS Ministry of Finance Department for Precious Metals  
and Precious...  
BOTSWANA Ministry of Minerals, Green Technology and  
Energy Security (MMGE)...  
BRAZIL Ministry of Mines and Energy Esplanada dos  
Ministérios, Bloco 'U',...  
CAMBODIA Ministry of Commerce Lot 19-61, MOC Road (113  
Road),...  
CAMEROON National Permanent Secretariat for the Kimberley  
Process Ministry of...  
CANADA International: Global Affairs Canada Natural  
Resources and Governance Division...  
CENTRAL AFRICAN REPUBLIC Secrétariat permanent du  
processus de Kimberley BP:...  
CHINA, People's Republic of Department of Duty Collection  
General Administration...  
HONG KONG, Special Administrative Region of the People's  
Republic of...  
MACAO, Special Administrative Region of the People's  
Republic of China...  
CONGO, Democratic Republic of Centre d'Expertise,  
d'Evaluation et de Certification...

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CONGO, Republic of Bureau d'Expertise, d'Evaluation et de Certification des...  
COTE D'IVOIRE Ministère des Mines et de la Géologie Secrétariat...  
ESWATINI Office for the Commissioner of Mines Minerals and Mines...  
EUROPEAN UNION European Commission Service for Foreign Policy Instruments Office...  
GABON Centre Permanent du Processus de Kimberley (CPPK) Ministry of...  
GHANA Ministry of Lands and Natural Resources Accra P.O. Box...  
GUINEA Ministry of Mines and Geology Boulevard du Commerce –...  
GUYANA Geology and Mines Commission P O Box 1028 Upper...  
INDIA Government of India, Ministry of Commerce & Industry Udyog...  
INDONESIA Directorate of Export and Import Facility, Ministry of Trade...  
ISRAEL Ministry of Economy and Industry Office of the Diamond...  
JAPAN Agency for Natural Resources and Energy Mineral and Natural...  
KAZAKHSTAN Ministry for Investments and Development of the Republic of...  
KOREA, Republic of Ministry of Foreign Affairs United Nations Division...  
LAOS, People's Democratic Republic Department of Import and Export Ministry...  
LEBANON Ministry of Economy and Trade Lazariah Building Down Town...  
LESOTHO Department of Mines Ministry of Mining Corner Constitution and...  
LIBERIA Government Diamond Office Ministry of Mines and Energy Capitol...  
MALAYSIA Ministry of International Trade and Industry MITI Tower, No...  
MALI Ministère des Mines Bureau d'Expertise d'Evaluation et de Certification...  
MAURITIUS Import Division Ministry of Industry, Commerce & Consumer Protection...  
MEXICO Directorate-General for International Trade in Goods 189 Pachuca Street,...  
NAMIBIA The Government of Republic of Namibia Ministry of Mines...  
NEW ZEALAND Middle East and Africa Division Ministry of Foreign...  
NORWAY Ministry of Foreign Affairs Department for Regional Affairs Section...  
PANAMA National Customs Authority Panama City, Curundu, Dulcidio Gonzalez Avenue,...

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RUSSIAN FEDERATION International: Ministry of Finance 9, Ilyinka Street 109097...  
SIERRA LEONE Ministry of Mines and Mineral Resources Youyi Building...  
SINGAPORE Ministry of Trade and Industry 100 High Street #09-01,...  
SOUTH AFRICA South African Diamond and Precious Metals Regulator 251...  
SRI LANKA National Gem and Jewellery Authority 25, Galle Face...  
SWITZERLAND State Secretariat for Economic Affairs (SECO) Sanctions Unit Holzikofenweg...  
TAIWAN, PENGHU, KINMEN AND MATSU, SEPARATE CUSTOMS TERRITORY Export/Import Administration...  
TANZANIA Commission for Minerals Ministry of Energy and Minerals Kikuyu...  
THAILAND Department of Foreign Trade Ministry of Commerce 563 Nonthaburi...  
TOGO The Ministry of Mines and Energies Head Office of...  
TURKEY Foreign Exchange Department Undersecretariat of Treasury T.C. Başbakanlık Hazine...  
UKRAINE Ministry of Finance State Gemological Centre of Ukraine 38-44,...  
UNITED ARAB EMIRATES U.A.E. Kimberley Process Office Dubai Multi Commodities...  
UNITED STATES OF AMERICA United States Kimberley Process Authority U.S....  
VENEZUELA Central Bank of Venezuela 36 Av. Urdaneta, Caracas, Capital...  
VIETNAM Ministry of Industry and Trade Agency of Foreign Trade...  
ZIMBABWE Principal Minerals Development Office Ministry of Mines and Mining...

### ANNEX III

List of Member States' competent authorities and their tasks as referred to in Articles 2 and 19

BELGIUM

CZECH REPUBLIC

GERMANY

IRELAND

PORTUGAL

ROMANIA

UNITED KINGDOM

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## ANNEX IV

### Community certificate as referred to in Article 2

In accordance with the changes enacted by the Treaty of...

The EU Certificate shall have the following features: Member  
States...

Member States shall be responsible for having the EU  
Certificates...

The European Commission shall make specimens of original EU  
Certificates...

Materials

Printing

Numbering

Language

Lay out and finishing

Obligatory features

## ANNEX V

List of diamond organisations implementing the system of warranties  
and industry self-regulation referred to in Articles 13 and 17

Antwerpsche Diamantkring CV Hoveniersstraat 2 bus 515  
B-2018 Antwerpen Beurs...



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- (1) [OJ L 47, 19.2.2002, p. 8.](#)
- (2) [OJ L 184, 17.7.1999, p. 23.](#)

**Changes to legislation:**

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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