

Proposal for a Council Regulation implementing the Kimberley Process certification scheme for the international trade in rough diamonds

(2003/C 20 E/13)

COM(2002) 455 *final* — 2002/0199(ACC)

(Submitted by the Commission on 8 August 2002)

EXPLANATORY MEMORANDUM

The United Nations Security Council has imposed sanctions on the rebel movements in Sierra Leone and Angola and on the Liberian government for supporting the rebels in Sierra Leone. The sanctions include a prohibition on imports of rough diamonds from Liberia and, if they are not accompanied by a certificate of origin issued by the respective legitimate governments, from Angola and Sierra Leone.

The sanctions have failed to stop the flow of conflict diamonds into the legitimate trade or to bring the conflicts to a halt. Conflict diamonds are continuing to find a market and enter the legitimate diamond trade. There is therefore a need to complement the sanctions to reduce the role of such diamonds in fuelling conflicts.

At the initiative of African diamond producing countries in particular, producer and trading countries, industry and civil society have met in the 'Kimberley Process' to design a certification scheme for the international trade in rough diamonds.

The purpose of the scheme is to prevent 'conflict' diamonds from fuelling armed conflicts and discrediting the legitimate market for rough diamonds, which makes an important economic contribution, not least to certain developing countries in Africa.

Such a certification scheme will make a major contribution to bringing an end to these conflicts and serve the implementation of the EU programme on conflict prevention.

On 29 October 2001 the Council authorised the Commission to negotiate an agreement establishing an international certification scheme for rough diamonds and to conduct these negotiations on behalf of the European Community.

A ministerial meeting of the Kimberley Process in Gaborone on 29 November 2001 produced detailed proposals for the scheme. The ministers agreed to submit the proposals to their competent authorities with a view to implementing the scheme at the earliest possible date in the course of 2002. Participants are encouraged to start using the certificate as soon as possible, but trade restrictions will not be applied until the scheme is put into force by all participants. Provided all participants have managed to put in place the necessary internal legislation, they are expected to launch the scheme simultaneously at a Kimberley Process ministerial meeting in November 2002.

Though the Commission has largely met the major objectives of the Council's authorisation to conduct negotiations, the negotiations will not lead to the formal agreement initially envisaged.

There remain two not fully resolved issues, namely the definitions of 'participant' and 'conflict diamonds'. These issues affect neither the framework nor the individual components of the certification scheme, and broad agreement has been reached on the rest of the document. The two outstanding issues are expected to be resolved at the meeting in Geneva.

In spite of the two outstanding issues the Commission therefore considers the design of the certification scheme to be definitive. The Community can therefore proceed with the preparations for the scheme's implementation. This is necessary to enable the Community to be a founder participant, which is desirable, and will allow the Community to be a leading partner in combating conflict diamonds.

The Commission therefore invites the Council to adopt the attached proposal for a Council Regulation implementing the Kimberley Process certification scheme in the Community. The document containing the Kimberley certification scheme for rough diamonds is attached to the proposed Council Regulation as Annex I.

The proposed Regulation would enable the Community to take all the necessary preparatory steps for the implementation of the scheme by the Community. The entry into force of the proposed import and export prohibition must, however, be suspended until the participants have set the date on which they will all simultaneously apply the scheme.

The certification scheme is basically an export and import control regime.

Producer countries will control the production and transport of rough diamonds from mine to point of export. Shipments of rough diamonds will be sealed in tamper-resistant containers and a Kimberley Process certificate issued for each shipment.

Re-exporting countries will ensure that only rough diamonds exported/imported under a Kimberley Process certificate enter the chain of transactions from import to export. The diamond industry will introduce a system of self regulation to support government efforts.

Importing countries will inspect the seal and the certificate at the time of import. Imports of rough diamonds not accompanied by a certificate issued by a Kimberley Process participant will be prohibited, as will exports to non-participants.

It is expected that all countries producing and trading rough diamonds will participate.

Participants will set up a mutual system to monitor the internal controls underpinning the issue of certificates.

The United Nations General Assembly welcomed the certification scheme developed by the Kimberley Process in Resolution 56/263 of 13 March 2002.

Subjecting international trade in rough diamonds to a certification scheme of the kind described above concerns both the free movement of goods and the common commercial policy. For the purposes of such a scheme the Community is to be considered a single entity without internal borders. The Community's participation in the Kimberley Certification Scheme is based on the Community's exclusive competence in these matters.

The Community's participation in the Kimberley Process certification scheme for rough diamonds is necessary and desirable for foreign and security policy reasons and economic considerations. In Antwerp and London the Community has two of the world largest rough diamond trading centres, and these centres are vulnerable to the effects of conflict diamonds on the legitimate trade. Participation in the certification scheme will protect the economic and financial interests of those centres and the Community as a whole. Furthermore, such participation is in line with the objectives of conflict management and conflict prevention defined by the European Council ⁽¹⁾.

⁽¹⁾ Conclusions of the Göteborg European Council.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The sanctions adopted by the United Nations Security Council against the rebel movements in Sierra Leone and Angola and against the Liberian government, prohibiting under certain conditions imports of rough diamonds from Liberia, Angola and Sierra Leone have not been able to stop the flow of conflict diamonds into the legitimate trade or to bring the conflicts to a halt.
- (2) 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.
- (3) Council Regulation (EC) No 303/2002 of 18 February 2002 concerning the importation into the Community of rough diamonds from Sierra Leone ⁽¹⁾ prohibits under certain conditions, the importation of rough diamonds into the Community.
- (4) There is a need to complement the existing measures with effective controls over 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 control 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.
- (5) The Kimberley Process negotiations, bringing together the Community 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.
- (6) All participants accepted the outcome of the negotiations as the basis for implementing measures within their own jurisdiction.
- (7) The UN General Assembly, in its resolution 56/263, welcomed the certification scheme developed in the Kimberley Process and called on all interested parties to participate in that scheme.
- (8) Implementation of the certification scheme requires that the Community's imports and exports of rough diamonds to be made subject to the certification scheme, including the issue of the relevant certificates by participants in the scheme.
- (9) Each Member State should designate a competent authority to implement the relevant provisions of this Regulation within its territory.
- (10) The validity of certificates for imported rough diamonds should be properly verified by the competent authorities of the Community.
- (11) The issue, validation or verification of a certificate should not be construed as equivalent or an alternative to any requirement of customs control.
- (12) In order to increase the effectiveness of the certification scheme, circumvention or attempts thereto 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.
- (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.
- (14) Circumstances may justify that the competent authority of the importing participant should send the competent authority of the exporting participant confirmation of import of shipments of rough diamonds.
- (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.
- (16) Temporary provisions should be provided to allow the export of rough diamonds imported before the entry into force of this Regulation.
- (17) Each Member State should determine the penalties applicable in event of breach of the provisions of this Regulation.
- (18) The provisions of this Regulation concerning the import and export of rough diamonds should not apply to rough diamonds transiting the Community in the course of export to another Participant.

⁽¹⁾ OJ L 47, 19.2.2002, p. 8.

- (19) For the purposes of the objectives of the Kimberley Process and the implementation of the certification scheme, the European Community should be a participant in the Kimberley Process. It should be represented by the European Commission at meetings of participants in the Kimberley Process certification scheme.
- (20) Since the measures necessary for the implementation of this Regulation are management measures within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾, they should be adopted by use of the management procedure provided for in Article 4 of that Decision.
- (21) In the performance of its duties under the certification scheme the Commission should be assisted by the Committee established under Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom ⁽²⁾. The Committee will also enable the Commission and Member States to build and share experience as to the practical application of this Regulation.
- (22) This Regulation should enter into force on the day of its publication, but the provisions on the import and exports control should be suspended until a date has been agreed in the Kimberley Process for the simultaneous implementation of the import and export controls by all participants,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND DEFINITIONS

Article 1

This Regulation sets up a Community 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 Community will be considered as one entity without internal borders.

The Scheme does not prejudice or substitute any provisions in force relating to customs formalities and controls.

Article 2

For the purposes of this Regulation the following definitions apply:

- (a) 'Kimberley Process' refers to the forum in which the participants have designed an international certification scheme for rough diamonds;
- (b) 'Kimberley Process certification scheme' (hereinafter 'KP certification scheme') refers to the international certification scheme negotiated by the Kimberley Process and set out in Annex I;
- (c) 'Participants' refers to participants in the KP certification scheme listed in Annex II;
- (d) 'certificate' means a document duly issued and validated by a participant's competent authority identifying a shipment of rough diamonds as being in compliance 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) 'Community authority' means a competent authority designated by a Member State and listed in Annex III;
- (g) 'Community certificate' means a certificate corresponding to the specimen in Annex IV and issued by a Community authority;
- (h) 'confirmation of imports of shipments of rough diamonds' refers to the import confirmation specified in paragraph 24 of Annex I to this Regulation;
- (i) 'conflict diamonds' means rough diamonds as defined under the KP Certification Scheme;
- (j) 'rough diamond' means a diamond that is unworked or simply sawn, cleaved or bruted and falls under the Harmonised Commodity Description and Coding System 7102 10, 7102 21 and 7102 31 (hereinafter HS code);
- (k) 'imports' means the physical entering or bringing into any part of the geographical territory of a participant;
- (l) 'export' means the physical leaving or taking out of any part of the geographical territory of a participant;
- (m) 'shipment' means one or more parcels;
- (n) 'parcel' means one or more diamonds that are packed together;
- (o) 'parcel of mixed origin' means a parcel that contains rough diamonds from two or more countries of origin.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 309, 29.11.1996, p. 1.

CHAPTER II

IMPORT REGIME*Article 3*

1. The customs authorities shall inform the relevant Community authority of the arrival of rough diamonds from a third country as soon as they are presented to customs. Where a customs declaration has been lodged, clearance shall be suspended until the formalities or requirements provided for in paragraphs 2, 3 and 4 have been met.

2. The import of rough diamonds into the Community shall be prohibited unless all of the following conditions are fulfilled:

- (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 properly sealed by that competent authority;
- (c) the certificate is attached in an inseparable way to the container.

3. After import each sealed container of rough diamonds and the inseparably attached certificate shall be submitted at the earliest opportunity to a Community authority for verification.

4. No further movement, handling or processing shall be allowed until a Community authority has established that neither the sealing nor the attachment of the certificate has been tampered with and has confirmed the validity of the certificate on the original certificate itself and provided the importer with an authenticated copy of the confirmed certificate.

5. The confirmation procedure shall take place within 30 days of the submission of the certificate.

Article 4

Without prejudice to the controls provided for by customs legislation in force, a Community authority shall open containers with a view to verifying that their contents match the particulars provided on the certificate unless circumstances or reasonable grounds warrant otherwise.

Article 5

1. If a Community authority establishes that a certificate is not valid or that the contents of a shipment are not in conformity with the accompanying certificate, that authority shall:

- (a) impound the shipment immediately, and
- (b) transmit all relevant information to the Commission and to the competent authority of the participant that purportedly issued or validated the certificate for the shipment in question.

2. If a problem is found to be the result of unintentional mistakes, a Community authority may correct mistakes on a certificate after consulting the competent authority of the participant that issued or validated that certificate and proceed with verification after informing the Commission.

In all other cases the Community authority that impounded the consignment shall confiscate the shipment and return it to the competent authority of the country of origin. If that country cannot be established, the Community authority shall put the shipment up for public sale. After deduction of the costs incurred by the Community authority, the proceeds from the sale shall be made available for strengthening the effectiveness of the certification scheme.

Article 6

1. The Commission shall consult participants on the need and practical arrangements for providing confirmation of imports into the Community to the competent authority of the exporting participant that has validated a certificate.

2. On the basis of these consultations the Commission may, in accordance with the procedure referred to in Article 22(2), lay down guidelines for such confirmation.

Article 7

The Commission shall provide all Community 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. A Community authority shall provide the Commission with a monthly report on all certificates provided for under Article 3(2)(a) submitted for verification.

For each certificate this report shall list at least:

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

- (j) the verifying authority,
- (k) the date of verification.

The Commission may, in accordance with the procedure referred to in Article 22(2), determine the format of this report in order to facilitate monitoring of the certification scheme's working.

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

CHAPTER III

EXPORT REGIME

Article 9

1. The customs authorities shall inform the relevant Community authority of the intended departure of rough diamonds as soon as they are presented to customs for export to a third country. Where an export declaration has been lodged, clearance shall be suspended until the formalities or requirements provided for in paragraph 2 have been met.
2. The export from the Community of rough diamonds shall be prohibited unless all of the following conditions are fulfilled:
 - (a) the rough diamonds are accompanied by a Community certificate issued and validated by a Community authority;
 - (b) the rough diamonds are contained in tamper-resistant containers properly sealed by the Community authority before validating the relevant Community certificate;
 - (c) the Community certificate has been attached in an inseparable way to the container;
 - (d) the exporter has received an authenticated copy of the validated Community certificate.

Article 10

1. A Community authority may not issue a Community certificate to an exporter until it has established:
 - (a) that the exporter has provided conclusive evidence that the rough diamonds for which a certificate is being requested were lawfully imported, that is in accordance with the provisions of Article 3;
 - (b) that the other information requested on the certificate is correct, and that the rough diamonds will be imported into the territory of a participant.
2. A Community authority shall not validate a Community certificate until it has sealed the tamper-resistant container containing the rough diamonds for which it has issued a Community certificate.

3. A Community authority shall provide the exporter with an authenticated copy of the Community certificate it has validated.

Article 11

If an exporter is a member of a diamond organisation listed in Annex V, a Community authority may accept as conclusive evidence of lawful import into the Community 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 the second indent of Article 17(2)(a).

Article 12

For a period of three months after the entry into force of this Regulation, and without prejudice to the provisions of Articles 10 and 11, a Community authority shall consider rough diamonds for export as such or as part of a parcel to have been lawfully imported within the meaning of Article 10 if the exporter provides conclusive evidence that those diamonds were imported before the entry into force of this Regulation.

Article 13

1. If a Community authority considers that there is no conclusive evidence that rough diamonds to be exported fulfil the conditions of Articles 10, 11 or 12, that authority shall:
 - (a) impound the shipment immediately, and
 - (b) notify the European Commission of all relevant information.
2. If a problem is found to be the result of unintentional mistakes, a Community authority may correct the mistakes on the certificate and proceed with the authorisation after informing the Commission.

In all other cases the Community authority that impounded the consignment shall confiscate the shipment and return it to the competent authority of the country of origin. If that country cannot be established, the shipment shall be put up for public sale. After deduction of the costs incurred by the Community authority, the proceeds from the sale shall be made available for strengthening the effectiveness of the KP certification scheme.

Article 14

Without prejudice to the controls provided for by customs legislation in force, a Community authority shall, before issuing or validating a certificate, physically inspect the rough diamonds to be exported with a view to verifying that the characteristics of the rough diamonds, and in particular their carat weight and value, match the data provided on the certificate, unless circumstances or reasonable grounds warrant otherwise.

Article 15

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

For each certificate this report shall list at least the following:

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

In accordance with the procedure referred to in Article 22(2), the Commission may determine the format of the report in order to facilitate monitoring of the certification scheme's working.

2. The Community authorities shall keep for at least 3 years the authenticated copies provided for under Article 9(2)(c) as well as all information received from an exporter to justify the issue and validation of a Community certificate.

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

Article 16

1. The Commission shall consult participants on the need and practical arrangements for obtaining confirmation of imports of rough diamonds exported from the Community covered by a certificate validated by Community authority.

2. On the basis of these consultations the Commission may, in accordance with the procedure referred to in Article 22(2), lay down guidelines for such confirmation.

CHAPTER IV

INDUSTRY SELF-REGULATION*Article 17*

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.

2. When applying for listing an organisation shall:

- (a) provide conclusive evidence that its members, whether natural or legal persons, have undertaken:
 - (i) to sell only diamonds purchased from legitimate sources not involved in funding conflict and in compliance with United Nations resolutions and to 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 diamonds, the diamonds sold are not conflict diamonds;
 - (ii) to accompany each sale of rough diamonds with 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 to 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 to 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 to 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 to buy, sell or assist others in buying or selling conflict diamonds;
 - (vii) to 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) to create and maintain for at least three years records of invoices received from suppliers and issued to customers;

- (ix) to instruct an independent auditor to certify that these records have been created and maintained accurately and either that it has identified no transactions which failed to comply with the above-mentioned undertakings or that any transaction which failed to comply with the above-mentioned undertakings has been duly reported to the Commission and the competent authorities of the Member State in which that transaction took place;
- (x) to provide on request the European Commission and the Community authority in the Member State in which a member is resident or established with access to the relevant business records and the reports from the independent auditors.
- (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 investigation by the organisation itself, to have violated the above-mentioned 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.
- (c) provide to the Commission a complete list of all its members, including full names, addresses, location and other information which will contribute to avoiding mistaken identities.
3. Where circumstances justify, the Commission may require additional guarantees that an organisation is able to maintain a credible system of warranties and industry self-regulation.
4. In accordance with the procedure referred to in Article 22(2), The Commission shall list in Annex V each organisation that fulfils the requirements of this Article. It shall notify all Community authorities of the names and other relevant particulars of the members of listed organisations.
5. Organisations covered by this Article shall immediately notify the Commission of all changes in their membership subsequent to the application for listing.
6. A listed organisation or a member thereof shall provide the Commission and the Community authority of a Member State, in which it is resident or established with access to any information that may be needed to assess the proper functioning of the system of warranties and industry self-regulation.

7. If an assessment leads to the conclusion that an organisation or one of its members is breaching the provisions of this Article, the Commission shall, in accordance with the procedure referred to in Article 22(2), remove that organisation from the list in Annex V.

CHAPTER V

TRANSIT

Article 18

Without prejudice to the controls provided for by customs legislation and on condition that neither the container in which rough diamonds are being transported nor the accompanying certificate issued by a Community authority or the competent authority of a participant have been tampered with and the seals on the container remain intact, Articles 3, 9 and 15 shall not apply to rough diamonds attested by the accompanying certificate to be transiting the Community in the course of export to another participant.

CHAPTER VI

GENERAL PROVISIONS

Article 19

A Community authority may ask an economic operator to pay a fee for the producing, issuing and/or validating a certificate and for a physical inspection in accordance with Articles 4 and 14. 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.

Article 20

1. On the basis of information from Member States showing that their designated Community authorities can reliably, timely, effectively and adequately fulfil the tasks required by this Regulation, the Commission shall maintain a list of Community authorities and the tasks entrusted to them in Annex III.

2. On the basis of the relevant information from the chair of the Kimberley Process and/or participants, the Commission may list participants and the competent authorities they have designated to issue and validate their certificates in Annex II.

Article 21

1. For the purposes of the objectives of the Kimberley Process and the implementation of the KP certification scheme, the European Community shall be a participant in the KP certification scheme.

2. The European Commission, which represents the Community in the Kimberley Process, shall aim to ensure optimal implementation of the KP certification scheme, notably 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.

Article 22

1. In the performance of its duties under Articles 6, 8, 15, 16, 17 and 20 the Commission shall be assisted by the committee established under Article 8 of Council Regulation (EC) No 2271/96.

2. Where reference is made to this paragraph, the management procedure laid down in Article 4 of Decision 1999/468/EC shall apply, in compliance with Article 7 thereof.

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

4. The Committee shall establish its rules of procedure.

Article 23

The Committee referred to in Article 22 may examine any question concerning the application of this Regulation. Such questions may be raised either by the chairman or by a representative of a Member State.

Article 24

1. Any natural or legal person providing services directly or indirectly related to the activities covered by Articles 3, 9, 11, 12, 17 or 18 of this Regulation shall exercise due diligence for establishing that the persons or entities involved in those activities 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 25

Information supplied in accordance with this Regulation shall only be used 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 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 26

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.

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 be those determined by the Member States in order to give effect to Article 5 of Regulation (EC) No 303/2002.

Article 27

This Regulation shall apply:

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

Article 28

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

The Commission shall report annually to the Council on the implementation of this Regulation and the need for a review of the Regulation.

The application of Articles 3, 5, 9, 13 and 18 shall be suspended until the Council decides to apply these Articles on the basis of a proposal from the Commission.

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

ANNEX I

The Kimberley Process Certification Scheme
Kimberley Process Working Document No 1/2002

dd. 20 March 2002

ESSENTIAL ELEMENTS OF AN INTERNATIONAL SCHEME OF CERTIFICATION FOR ROUGH DIAMONDS, WITH A
VIEW TO BREAKING THE LINK BETWEEN ARMED CONFLICT AND THE TRADE IN ROUGH DIAMONDS

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 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; (Further consultations to be undertaken by the Chair);

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 whom the certification scheme is effective; (Further consultations to be undertaken by the Chair.);

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 7102 10, 7102 21 and 7102 31;

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 1. 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 1, 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 2.

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

Co-operation and Transparency

Participants should:

- 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;
- compile and make available to all other Participants through the Chair statistical data in line with the principles set out in Annex 3;
- 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;
- consider favourably requests from other Participants for assistance to improve the functioning of the certification scheme within their territories;
- 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;
- 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;
- encourage, through their relevant authorities, closer co-operation 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, and any *ad hoc* working groups 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. Applicants wanting to participate in the certification scheme should signify this interest by notifying the Chair through diplomatic channels. This notification should include the information set forth in Section V, paragraph (a) 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 organizations 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 international 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 international 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 confi-

dentiality 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 international 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 through an international understanding as soon as possible, recognizing the urgency of the situation from a humanitarian and security standpoint. Those in a position to issue the Kimberley process Certificates should do so immediately. All others are encouraged to do so by 1 June 2002. It is the intention of Participants to start the full implementation simultaneously by the end of 2002. For Applicants that decide to join the scheme after this date, it becomes effective upon notification to the Chair pursuant to the provision in Section VI, Paragraph 9.

Annex 1

CERTIFICATES**A. Minimum requirements for Certificates**

A Certificate is to meet the following minimum requirements:

- Each Certificate should bear the title 'Kimberley Process Certificate', the Kimberley Process logo and the following statement: 'The rough diamonds in this shipment have been handled in accordance with the provisions of the Kimberley Process international 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 USD
- 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 USD
 - 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 2

RECOMMENDATIONS AS PROVIDED FOR IN SECTION IV, PARAGRAPH (f)**General Recommendations**

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

Recommendations for Control over Diamond Mines

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

Recommendations for Participants with Small-scale Diamond Mining

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

Recommendations for Rough Diamond Buyers, Sellers and Exporters

13. All diamond buyers, sellers, exporters, agents and courier companies involved in carrying rough diamonds should be registered and licensed by each Participant's relevant authorities.
14. Licensing records should contain the following minimum information: name, address and nationality and/or residence status.
15. All rough diamond buyers, sellers and exporters should be required by law to keep for a period of five years daily buying, selling or exporting records listing the names of buying or selling clients, their license number and the amount and value of diamonds sold, exported or purchased.
16. The information in paragraph 14 above should be entered into a computerised database, to facilitate the presentation of detailed information relating to the activities of individual rough diamond buyers and sellers.

Recommendations for Export Processes

17. A exporter should submit a rough diamond shipment to the relevant Exporting Authority.
18. The Exporting Authority is encouraged, prior to validating a Certificate, to require an exporter to provide a declaration that the rough diamonds being exported are not conflict diamonds.
19. Rough diamonds should be sealed in a tamper proof container together with the Certificate or a duly authenticated copy. The Exporting Authority should then transmit a detailed e-mail message to the relevant Importing Authority containing information on the carat weight, value, country of origin or provenance, importer and the serial number of the Certificate.
20. The Exporting Authority should record all details of rough diamond shipments on a computerised database.

Recommendations for Import Processes

21. The Importing Authority should receive an e-mail message either before or upon arrival of a rough diamond shipment. The message should contain details such as the carat weight, value, country of origin or provenance, exporter and the serial number of the Certificate.
22. The Importing Authority should inspect the shipment of rough diamonds to verify that the seals and the container have not been tampered with and that the export was performed in accordance with the certification scheme.
23. The Importing Authority should open and inspect the contents of the shipment to verify the details declared on the Certificate.
24. Where applicable and when requested, the Importing Authority should send the return slip or import confirmation coupon to the relevant Exporting Authority.
25. The Importing Authority should record all details of rough diamond shipments on a computerised database.

Recommendations on Shipments to and from Free Trade Zones

26. Shipments of rough diamonds to and from free trade zones should be processed by the designated authorities.
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*Annex 3***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 international certification scheme.
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ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 1, 3, 18 and 21(2).....

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ANNEX III

List of Member States' competent authorities and their tasks as referred to in Articles 1 and 20(1).....

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ANNEX IV

Community certificate as referred to in Article 2

1. The Community certificate referred to in Article 2 shall be:
 - (a) be printed on watermarked security paper with an intaglio border,
 - (b) measure 21 cm by 15 cm,
 - (c) contain red and green UV inks,
 - (d) have a unique number with the alpha-2 country code prescribed by ISO 3166-1,
 - (e) be tamper and forgery resistant,
 - (f) be printed in English and, where relevant, the language(s) of the Member State concerned.
2. Member States shall be responsible for having the forms printed. The forms may also 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 form. Each form shall bear an indication of the printer's name and address or a mark enabling the printer to be identified.

Specimen Community Kimberley Process Certificate



THE EUROPEAN COMMUNITY
KIMBERLEY PROCESS CERTIFICATE

Unique Number:
Alpha-2 country code, ISO 3166-1

Issuing Community authority:
The rough diamonds in this shipment have been handled in accordance with the provisions of the Kimberley Process international certification scheme for rough diamonds.

Country of Origin: Number of Parcels:

Exporter. Name:

Address:

Importer. Name:

Address:

	Carat	Value (USD)
7102 10		
7102 21		
7102 31		

Issued on: Expires on:

.....
Signature/Stamp of Community authority

It is hereby verified that the content of the container accompanying Kimberley Process Certificate of the Community no corresponds with said certificate.

Importing authority: Date:

IMPORT CONFIRMATION

This is to certify that the rough diamonds accompanied by Community certificate No were imported into and verified in compliance with the Kimberley Certification Scheme for Rough Diamonds. Copy of certificate to accompany Confirmation.

Date of receipt by importing authority:

Importing authority: Date:

.....
Signature

ANNEX V

**List of diamond organisations implementing the system of warranties and industry self-regulation referred to
in Articles 11 and 17**

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