
Appendixes
**The Kimberley Process
Certification Scheme one
year after:
state of affairs in the
European Union**

F. Weyzig
September 2004

s o m o



Nederlands instituut voor Zuidelijk Afrika

SOMO (Centre for research on Multinational Corporations)

Keizersgracht 132

1015 CW Amsterdam

Tel: +31 (0)20 639 12 91

Fax: +31 (0)20 639 13 21

Email: info@SOMO.nl

www.SOMO.nl

Netherlands institute for Southern Africa (NiZA)

PO Box 10707

1001 ES Amsterdam

Contact person: Kirsten Hund, Coordinator Fatal Transactions

tel: 0031 20 5206210

email: Ft@niza.nl

www.niza.nl/fataltransactions



Niza is a member of the international Fatal Transactions campaign. Fatal Transactions receives financial assistance of the European Community.

Table of contents

Appendix 1	1
1.1 List of interviews and correspondence	1
Appendix 2	2
Kimberley Process Certification Scheme (incl. annexes)	2
Section I.....	3
Section II.....	5
Section III.....	5
Section IV	6
Section V	7
Section VI.....	7
Annex I.....	10
Annex II.....	11
Annex III.....	13
Appendix 3	15
List of KP participants.....	15
Appendix 4	16
Joint WFDB and IDMA resolution	16
Appendix 5	18
Council Regulation (EC) No. 2368/2002 (excl. annexes).....	18
Chapter I.....	20
Chapter II.....	22
Chapter III.....	25
Chapter IV	27
Chapter V.....	30
Chapter VI	30
Appendix 6	34
Council and Commission Regulations	34
Appendix 7	35
Royal Decree on supervision measures.....	35
Appendix 8	43
Code of conduct of the bourses.....	43
ADK, BVD, DCA and VDH (Collectively, the “Bourses”, and Individually, a “Bourse”):.....	43
Chapter I – Subject matter and definitions	44
Chapter II – Code of conduct membership.....	46
Chapter III – Obligations of the Members and KP Members.....	47
Chapter IV – Obligations of the Bourses	48
Chapter V – The Arbitration Commission, The Code Board and the Code Appeals Board	48
Chapter VI – Investigation, Suspension and Sanctioning of A Member and KP Member.....	52
Appendix 9	60
Belgian imports of rough diamonds	60

Appendix 1

1.1 List of interviews and correspondence

- Ms. Judith Sargentini, NiZA
- Mr. Kim Eling, European Commission, DG External Relations*
- Mr. Oliver Rentschler, European Commission, DG External Relations*
- Mr. Ton (A.) de Vries, European Commission, DG External Relations*
- Mr. Edward Asscher, Royal Asscher and President DDMA
- Mr. Erik Blik, President Amsterdam Diamond Bourse
- Mr. Wim Keizer, Ministry of Economic Affairs, The Netherlands
- Mr. Henk Deuschle, Van Alphen International, The Netherlands
- Mr. Clive Wright, Government Diamond Office, UK
- Mr. Leslie Paesschiessens, Ministry of Economic Affairs, Belgium
- Ms. Anja Waem, Deputy Advisor, Ministry of Economic Affairs, Belgium
- Mr. Frieda Coosemans, Ministry of Economic Affairs, Belgium
- Ms. Isabelle Verdeyen, Ministry of Foreign Affairs, Belgium
- Mr. Lucien Cornelissens, Director Antwerpsche Diamantkring cvba
- Mr. Philip Claes, HRD Director Corporate Affairs
- Mr. Mark Van Bockstael, HRD Director international Affairs & Trade, WDC
Chairman Technical Committee, KP Chairman Working Group Diamond Experts & Technical Issues

* Information given by individual officials of the European Commission does not necessarily represent the official view of the European Commission and is not legally binding on the European Commission.

Appendix 2

Kimberley Process Certification Scheme (incl. annexes)

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

Appendix 2: Kimberley Process Certification Scheme

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

Appendix 2: Kimberley Process Certification Scheme

effect, or in other similar UNSC resolutions which may be adopted in the future, and as understood and recognised in United Nations General Assembly (UNGA) Resolution 55/56, or in other similar UNGA resolutions which may be adopted in future;

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

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

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

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

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

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

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

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

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

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

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 I. As long as these requirements are met, Participants may at their discretion establish additional characteristics for their own Certificates, for example their form, additional data or security elements;
- (d) it notifies all other Participants through the Chair of the features of its Certificate as specified in Annex I, for purposes of validation.

Section III

Undertakings in respect of the international trade in rough diamonds

Each Participant should:

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

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

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

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

Section IV

Internal Controls

Undertakings by Participants

Each Participant should:

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

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

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

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

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

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

Principles of Industry Self-Regulation

Participants understand that a voluntary system of industry self-regulation, as referred to in the Preamble of this Document, will provide for a system of warranties underpinned through verification by independent auditors of individual companies and supported by

internal penalties set by industry, which will help to facilitate the full traceability of rough diamond transactions by government authorities.

Section V

Co-operation and Transparency

Participants should:

- (a) provide to each other through the Chair information identifying their designated authorities or bodies responsible for implementing the provisions of this Certification Scheme. Each Participant should provide to other Participants through the Chair information, preferably in electronic format, on its relevant laws, regulations, rules, procedures and practices, and update that information as required. This should include a synopsis in English of the essential content of this information;
- (b) compile and make available to all other Participants through the Chair statistical data in line with the principles set out in Annex III;
- (c) exchange on a regular basis experiences and other relevant information, including on self-assessment, in order to arrive at the best practice in given circumstances;
- (d) consider favourably requests from other Participants for assistance to improve the functioning of the Certification Scheme within their territories;
- (e) inform another Participant through the Chair if it considers that the laws, regulations, rules, procedures or practices of that other Participant do not ensure the absence of conflict diamonds in the exports of that other Participant;
- (f) cooperate with other Participants to attempt to resolve problems which may arise from unintentional circumstances and which could lead to non-fulfilment of the minimum requirements for the issuance or acceptance of the Certificates, and inform all other Participants of the essence of the problems encountered and of solutions found;
- (g) encourage, through their relevant authorities, closer 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.

Appendix 2: Kimberley Process Certification Scheme

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

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

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

ADMINISTRATIVE SUPPORT

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

7. Administrative support could include the following functions:

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

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

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

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

PARTICIPATION

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

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

10. Participants intend to invite representatives of civil society, the diamond industry, non-participating governments and international 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 Certification Scheme are being implemented within their respective jurisdictions.

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

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

- a. requesting additional information and clarification from Participants;
- b. review missions by other Participants or their representatives where there are credible indications of significant non-compliance with the Certification Scheme.

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

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

COMPLIANCE AND DISPUTE PREVENTION

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

MODIFICATIONS

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

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

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

REVIEW MECHANISM

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

THE START OF THE IMPLEMENTATION OF THE SCHEME

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

Annex I

Certificates

A. Minimum requirements for Certificates

A Certificate is to meet the following minimum requirements:

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

Appendix 2: Kimberley Process Certification Scheme

- Relevant Harmonised Commodity Description and Coding System
- Validation of Certificate by the Exporting Authority

B. Optional Certificate Elements

A Certificate may include the following optional features:

- Characteristics of a Certificate (for example as to form, additional data or security elements)
- Quality characteristics of the rough diamonds in the shipment
- A recommended import confirmation part should have the following elements:
 - Country of destination
 - Identification of importer
 - Carat/weight and value in US\$
 - Relevant Harmonised Commodity Description and Coding System
 - Date of receipt by Importing Authority
 - Authentication by Importing Authority

C. Optional Procedures

Rough diamonds may be shipped in transparent security bags.

The unique Certificate number may be replicated on the container.

Annex II

Recommendations as provided for in Section IV, paragraph (f)

General Recommendations

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

Appendix 2: Kimberley Process Certification Scheme

7. Participants are encouraged to ensure that all cash purchases of rough diamonds are routed through official banking channels, supported by verifiable documentation.

8. Participants that produce diamonds should analyse their diamond production under the following headings:

Characteristics of diamonds produced

Actual production

Recommendations for Control over Diamond Mines

9. Participants are encouraged to ensure that all diamond mines are licensed and to allow only those mines so licensed to mine diamonds.

10. Participants are encouraged to ensure that prospecting and mining companies maintain effective security standards to ensure that conflict diamonds do not contaminate legitimate production.

Recommendations for Participants with Small-scale Diamond Mining

11. All artisanal and informal diamond miners should be licensed and only those persons so licensed should be allowed to mine diamonds.

12. Licensing records should contain the following minimum information: name, address, nationality and/or residence status and the area of authorised diamond mining activity.

Recommendations for Rough Diamond Buyers, Sellers and Exporters

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

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

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

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

Recommendations for Export Processes

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

18. The Exporting Authority is encouraged, prior to validating a Certificate, to require

an exporter to provide a declaration that the rough diamonds being exported are not conflict diamonds.

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

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

Recommendations for Import Processes

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

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

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

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

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

Recommendations on Shipments to and from Free Trade Zones

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

Annex III

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;

Appendix 2: Kimberley Process Certification Scheme

(b) to keep and publish statistics on exports and imports, by origin and provenance wherever possible; by carat weight and value; and under the relevant Harmonised Commodity Description and Coding System (HS) classifications 7102.10; 7102.21; 7102.31;

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

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

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

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

Appendix 3

List of KP participants

- Angola
- Armenia
- Australia
- Belarus
- Botswana
- Brazil
- Bulgaria
- Canada
- Central African Republic
- China
- Democratic Republic of Congo
- Côte d'Ivoire
- Croatia
- European Community
- Ghana
- Guinea
- Guyana
- Hong Kong
- India
- Israel
- Japan
- Republic of Korea
- Laos
- Lesotho
- Malaysia
- Mauritius
- Namibia
- Norway
- Romania
- Russian Federation
- Sierra Leone
- Singapore
- South Africa
- Sri Lanka
- Switzerland
- Taiwan
- Tanzania
- Thailand
- Togo
- Ukraine
- United Arab Emirates
- United States of America
- Venezuela
- Vietnam
- Zimbabwe

Appendix 4

Joint WFDB and IDMA resolution supporting the Kimberley Process

The WORLD FEDERATION OF DIAMOND BOURSES and the INTERNATIONAL DIAMOND MANUFACTURERS ASSOCIATION, recognizing that the trade in conflict diamonds is a matter of serious international concern being addressed by governments, industry and civil society in the Kimberley Process, and mindful of the unacceptable suffering of innocent people, unanimously adopted the following resolution at their joint meeting in London on the 29th October, 2002:

(A) To meet the challenge of preventing the trade of conflict diamonds, both organizations, and their constituent and affiliated members, hereby create the following voluntary system of industry self-regulation in order to comply and support government undertakings of the Kimberley Process.

(B) Each member organization undertakes to require its members to:

System Of Warranties:

(i.) Make the following affirmative statement on all invoices for the sale of rough diamonds, polished diamonds and jewelry containing diamonds. "The diamonds herein invoiced have been purchased from legitimate sources not involved in funding conflict and in compliance with United Nations resolutions. The seller hereby guarantees that these diamonds are conflict free, based on personal knowledge and/or written guarantees provided by the supplier of these diamonds."

Code Of Conduct:

(ii.) Not to buy any diamonds from firms that do not include the above statement on their invoices.

(iii.) Not to buy any diamonds from suspect or unknown sources of supply and/or that originate in countries that have not implemented the Kimberley Process International Certification Scheme.

(iv.) Not to buy diamonds from any source that after a legally binding due process system has been found to have violated government regulations restricting the trade in conflict diamonds.

(v.) Not to buy diamonds in or from any region that is subject to an advisory by a governmental authority that conflict diamonds are emanating from or are available for sale in such region unless such diamonds have been exported from such region in compliance with Kimberley Process requirements.

(vi.) Not to knowingly buy or sell or assist others to buy or sell conflict diamonds.

(vii.) Assure that all company employees that buy or sell diamonds within the diamond trade are well informed regarding trade resolutions and government regulations restricting the trade in conflict diamonds.

(C) Each member organization shall expel and publicize the expulsion of any members that, after a due process investigation by the member's trade organization has been found to be in violation of the above resolutions.

(D) In coordination with and upon the advice of governmental authorities each member organization shall publicize within the diamond trade

(i.) All government regulations governing the flow of conflict diamonds and all advisories from governments regarding the trade of conflict diamonds.

(ii.) The names of firms and/or individuals that after legally binding due process have been found to be guilty of violating Kimberley Process requirements (including government regulations) applicable to the trade in conflict diamonds.

(iii.) The names of all regions and locations that governmental authorities advise that conflict diamonds are emanating from or available for sale.

(E) Each member organization shall assist and provide technical support regarding, government regulations and trade resolutions restricting the trade in conflict diamonds to all legitimate parties in need of such information or expertise.

Appendix 5

Council Regulation (EC) No. 2368/2002 (excl. annexes)

(of 20 December 2002)

Implementing the Kimberley Process certification scheme for the international trade in rough diamonds

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 Leone¹ 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.

¹ OJ L 47, 19.2.2002, p. 8.

- (6) All participants accepted the outcome of the negotiations as the basis for implementing measures within their own jurisdiction.
- (7) In its resolution 56/263 the UN General Assembly welcomed the certification scheme developed in the Kimberley Process and called on all interested parties to participate in that scheme.
- (8) Implementation of the certification scheme requires that the imports and exports of rough diamonds into or from the territory of the Community be made subject to the certification scheme, including the issue of the relevant certificates by participants in the scheme.
- (9) Each Member State may designate the authority or authorities responsible for the implementation of the relevant provisions of this Regulation within its territory and may limit the number of authorities.
- (10) The validity of certificates for imported rough diamonds should be properly verified by the competent authorities of the Community.
- (11) Compliance with this Regulation should not be construed as equivalent or as an alternative to compliance with any other requirements under Community legislation.
- (12) In order to increase the effectiveness of the certification scheme, circumvention or attempts to circumvent should be prevented. Likewise, providers of ancillary or directly related services should exercise due diligence in establishing that the provisions of this Regulation are duly applied.
- (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) Provisions should be made to allow the export of rough diamonds imported before the applicability of specific import controls provided for by this Regulation.
- (17) Each Member State should determine the sanctions applicable in the event of a breach 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.

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

(20) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission².

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

(22) This Regulation should enter into force on the day of its publication, but the provisions on import and export 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 shall be considered as one entity without internal borders.

This Regulation 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 shall apply:

(a) "Kimberley Process" means the forum in which the participants have designed an international certification scheme for rough diamonds;

(b) "Kimberley Process certification scheme" (hereinafter "KP certification scheme") means the international certification scheme negotiated by the Kimberley Process as set out in Annex I;

² OJ L 184, 17.7.1999, p. 23.

- (c) "Participants" means 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) "conflict diamonds" means rough diamonds as defined under the KP Certification Scheme;
- (i) "rough diamond" means a diamond that is unworked or simply sawn, cleaved or bruted and falls under the Harmonised Commodity Description and Coding System 7102 10, 7102 21 and 7102 31 (hereinafter "HS code");
- (j) "imports" means the physical entering or bringing into any part of the geographical territory of a participant;
- (k) "export" means the physical leaving or taking out of any part of the geographical territory of a participant;
- (l) "shipment" means one or more parcels;
- (m) "parcel" means one or more diamonds that are packed together;
- (n) "parcel of mixed origin" means a parcel that contains rough diamonds from two or more countries of origin;
- (o) "Community territory" means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty;
- (p) "Certified stock" means a stock of rough diamonds to which this Regulation applies, and whose location, volume and value, and changes therein, have been submitted to effective supervision of a Member State;
- (q) "Customs transit" means transit as provided for by Articles 91 to 97 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code³.

³ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 (OJ L 311, 12.12.2000, p. 17).

Chapter II

Import Regime

Article 3

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, and the seals applied at export by that participant are not broken;
- (c) the certificate clearly identifies the consignment to which it refers.

Article 4

1. Containers and the corresponding certificates shall be submitted for verification, together and at the earliest opportunity, to a Community authority either in the Member State where they are imported or in the Member State for which they are destined, as indicated in accompanying documents.

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

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

4. The importer shall be responsible for the proper movement of the rough diamonds and the costs thereof.

5. A Community authority shall opt for either of the following methods to verify that the content of a container matches the particulars on the corresponding certificate:

- (a) it will open each container with a view to such verification; or
- (b) it will identify the containers to be opened with a view to such verification on the basis of a risk analysis or equivalent system that gives due consideration to rough diamond shipments.

6. A Community authority shall complete the verification without delay.

Article 5

1. If a Community authority establishes that the conditions in Article 3 are:

(a) fulfilled, it shall confirm this on the original certificate and provide the importer with an authenticated and forgery-resistant copy of that confirmed certificate. This confirmation procedure shall take place within 10 working days of the submission of the certificate;

(b) not fulfilled, it shall detain the shipment.

2. If a Community authority finds that the failure to fulfil the conditions is not made knowingly or intentionally or is the result of an action by another authority in the exercise of its proper duties, it may proceed with the confirmation and release the shipment, after the necessary remedial measures have been taken to ensure that the conditions are met.

3. A Community authority shall, within one month, inform the Commission and the competent authority of the participant that purportedly issued or validated the certificate for the shipment of any failure to fulfil the conditions.

Article 6

1. Until the date of applicability of the Articles referred to in Article 29(3), a Member State may certify stocks of rough diamonds that have been imported or are present in the Community territory before that date. After that date, rough diamonds from certified stocks shall be considered to have fulfilled the conditions laid down in Article 3.

2. In all other cases, a Community authority may issue a confirmation that it considers rough diamonds to have fulfilled the conditions of Article 3, if it has established that those diamonds were legally present in the Community at that date and have been so since.

Article 7

Notwithstanding the provisions of Articles 3, 4 and 5, a Community authority may allow the import of rough diamonds if the importer provides conclusive evidence that those diamonds were destined for import into the Community and were exported 5 working days or less before the date of applicability of the Articles referred to in Article 29(3).

In such cases, the Community authority concerned shall issue the importer with a confirmation of legal import, to the effect that those diamonds shall be considered to have fulfilled the conditions of Article 3.

Article 8

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

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

Article 9

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 10

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

For each certificate this report shall list at least:

- (a) the unique certificate number,
- (b) the name of the issuing and validating authorities,
- (c) the date of issue and validation,
- (d) the date of expiry of validity,
- (e) the country of provenance,
- (f) the country of origin, where known,
- (g) the HS code(s),
- (h) the carat weight,
- (i) the value,
- (j) the verifying Community 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. The Community authority shall keep the originals of certificates provided for under Article 3(a) submitted for verification for at least three years. It shall provide the Commission or persons or bodies designated by the Commission with access to these original certificates in particular with a view to answering questions raised within the framework of the KP certification scheme.

Chapter III

Export Regime

Article 11

The export from the Community of rough diamonds shall be prohibited unless both of the following conditions are fulfilled:

(a) the rough diamonds are accompanied by a corresponding Community certificate issued and validated by a Community authority;

(b) the rough diamonds are contained in tamper-resistant containers sealed in accordance with Article 12.

Article 12

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

(a) the exporter has provided conclusive evidence that the rough diamonds for which a certificate is being requested were lawfully imported in accordance with the provisions of Article 3;

(b) the other information requested on the certificate is correct;

(c) the rough diamonds are effectively destined for arrival in the territory of a participant, and

(d) the rough diamonds are to be transported in a tamper-resistant container.

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

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

(a) it will verify the content of each container; or

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

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

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

Article 13

If an exporter is a member of a diamond organisation listed in Annex V, the 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 Article 17(2)(a)(ii).

Article 14

1. If a Community authority establishes that a shipment of rough diamonds, for which a Community certificate is requested, does not fulfil the conditions of Articles 11, 12, or 13, that authority shall detain the shipment.

2. If a Community authority finds that the failure to fulfil the conditions is not made knowingly or intentionally or is the result of an action by another authority in the exercise of its proper duties, it may release the shipment and proceed with the issuing and validation of a Community Certificate, after the necessary remedial measures have been taken to ensure that the conditions are met.

3. The Community authority shall, within one month, inform the Commission and the competent authority of the participant that purportedly issued or validated the certificate for the shipment of any failure to fulfil the conditions.

Article 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:

- (a) the unique certificate number,
- (b) the name of the issuing and validating authorities,
- (c) the date of issue and validation,
- (d) the date of expiry of validity,

- (e) the country of provenance,
- (f) the country of origin, where known,
- (g) the HS code(s),
- (h) the carat weight and value.

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

2. Community authorities shall keep for at least three years the authenticated copies provided for under Article 12(4) as well as all information received from an exporter to justify the issue and validation of a Community certificate.

They shall provide the Commission or persons or bodies designated by the Commission with access to those authenticated copies and this information, 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 practical arrangements for obtaining confirmation of imports of rough diamonds exported from the Community covered by a certificate validated by the Community authority.

2. On the basis of these consultations the Commission shall, 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 directly or through the appropriate Community authority.

2. When applying for listing, an organisation shall:

(a) provide conclusive evidence that adopted rules and regulations whereby its members dealing in rough diamonds, whether natural or legal persons, undertake that they will, at the latest from the date of applicability of the Articles referred to in Article 29(3):

(i) sell only diamonds purchased from legitimate sources in compliance with the provisions of relevant United Nations Security Council Resolutions and of the

Kimberley Process Certification Scheme and guarantee in writing on the invoice accompanying each sale of rough diamonds that, on the basis of their personal knowledge and/or written warranties provided by the supplier of such rough diamonds, the rough diamonds sold are therefore not conflict diamonds;

(ii) see that each sale of rough diamonds is accompanied by an invoice containing the said signed guarantee unequivocally identifying the seller and buyer and their registered offices, containing the VAT identification number of the seller, where applicable, the quantity/weight and qualification of the goods sold, the value of the transaction and the date of delivery;

(iii) not buy rough diamonds from suspect or unknown sources of supply and/or rough diamonds originating in non-participants in the KP certification scheme;

(iv) not buy rough diamonds from any source found, after legally binding due process, to have violated government laws and regulations concerning the trade in conflict diamonds;

(v) not buy rough diamonds in, or from, any region that is the subject of an advisory notice from a governmental or KP certification scheme authority to the effect that conflict diamonds are emanating from, or are available for sale in, that region;

(vi) not knowingly buy, sell or assist others in buying or selling conflict diamonds;

(vii) ensure that all employees buying or selling rough diamonds within the diamond trade are fully informed of trade resolutions and government regulations restricting the trade in conflict diamonds;

(viii) create and maintain for at least three years records of invoices received from suppliers and issued to customers;

(ix) instruct an independent auditor to certify that these records have been created and maintained accurately and either that it has identified no transactions which failed to comply with the undertakings referred to in (i) to (viii) or that any transaction which failed to comply with such undertakings has been duly reported to the appropriate Community authority;

and

(b) provide conclusive evidence that it has adopted rules and regulations which oblige the organisation:

(i) to expel any member found, after a due process inquiry by the organisation itself, to have seriously violated the abovementioned undertakings; and

(ii) to publicise that member's expulsion and notify the Commission thereof;

(iii) to make known to all its members all governmental and KP certification scheme laws, regulations and guidelines regarding conflict diamonds and the names of any

natural or legal person found guilty, after legally binding due process, of violating these laws and regulations;

and

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

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

4. In accordance with the procedure referred to in Article 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 and any changes therein.

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

(b) The appropriate Community authority shall report its assessment to the Commission on an annual basis.

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

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

(b) If the Commission, on the basis of reports, assessments or other pertinent information, comes to the conclusion that a system of warranties and industry self-regulation does not function properly, and the issue has not been addressed adequately, the Commission shall take the necessary measures in accordance with the procedure referred to in Article 22(2).

8. If an inquiry leads to the conclusion that an organisation is infringing the provisions of this Article, the Community authority of a Member State in which that organisation is resident or established will notify the Commission thereof without delay. In turn, the

Commission, in accordance with the procedure referred to in Article 22(2), shall take the appropriate measures with a view to removing that organisation from the list in Annex V.

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

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

Chapter V

Transit

Article 18

Articles 4, 11, 12, and 14 shall not apply to rough diamonds which enter the Community territory solely for the purposes of transit to a participant other than the Community, on condition that neither the original container in which rough diamonds are being transported nor the original accompanying certificate issued by a competent authority of a participant have been tampered with at entry into and exit from the Community territory and the transit purpose is clearly attested by the accompanying certificate.

Chapter VI

General Provisions

Article 19

1. Member States may designate one or more authorities in their territory as Community authority and may attribute different tasks to them.

2. Member States designating a Community authority shall provide the Commission with the information showing that their designated Community authorities can reliably, timely, effectively and adequately fulfil the tasks required by this Regulation.

3. Member States may limit the number of points where the formalities provided for in this Regulation can be completed. They shall notify the Commission thereof. Based on the information provided under paragraphs 1 and 2 and in accordance with the procedure referred to in Article 22(2), the Commission shall maintain in Annex III a list of Community authorities, their location and the tasks entrusted to them.

4. Community authorities may ask an economic operator to pay a fee for the production, issue and/or validation of a certificate and for a physical inspection in accordance with Articles 4 and 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.

5. Member States shall notify the Commission of the option they choose under Articles 4(5) and 12(3) or of subsequent changes.

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

Article 20

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

Article 21

1. The Community shall be a participant in the Kimberley Process certification scheme.

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

Article 22

1. In the performance of its duties under Articles 8, 10, 15, 16, 17 and 19, the Commission shall be assisted by a Committee (hereinafter referred to as "the Committee").

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

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

3. The Committee shall establish its rules of procedure.

Article 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, 4, 6, 7, 11, 12, 13, 17 or 18 shall exercise due diligence for establishing that the activities for which it provides services comply with the provisions of this Regulation.
2. The participation, knowingly and intentionally, in activities, the object or effect of which is, directly or indirectly, to circumvent the provisions of this Regulation shall be prohibited.
3. The Commission shall be notified of any information suggesting that the provisions of this Regulation are being, or have been, circumvented.

Article 25

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

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

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

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

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

Article 26

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

Article 27

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive and shall be capable of preventing those responsible for the infringement from obtaining any economic benefit from their action.

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

Article 28

This Regulation shall apply:

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

Article 29

1. This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.
2. The Commission shall report annually or at any other time as necessary to the Council on the implementation of this Regulation and the need for a review or repeal of the Regulation.
3. The application of Articles 3, 4, 5, 10, 11, 12, 13, 14, 15 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.

Done at Brussels, 20 December 2002.

For the Council
The President
L. Espersen

- Annex I: The KPCS, see appendix 2 of this report
- Annex II: List of the KP participants, see appendix 3 of this report
- Annex III: List of Community Authorities (Antwerp and London)
- Annex IV: Characteristics of the Community certificate
- Annex V: List of approved diamond bourses (four in Antwerp and one in London)

Appendix 6

Council and Commission Regulations

Regulation type and No.	Date	Subject
Council Regulation (EC) No. 2368/2002	20-12-2002	Original regulation
Council Regulation (EC) No. 254/2003	11-02-2003	Start of application of import and export regime and minor formal changes
Commission regulation (EC) No. 257/2003	11-02-2003	First participant list added and approval of the UK and Belgian Community authorities
Commission regulation (EC) No. 4187/2003	06-03-2003	Change in participant list
Commission regulation (EC) No. 762/2003	30-04-2003	Approval of the four Antwerp bourses
Commission regulation (EC) No. 803/2003 & Corrigenda	08-05-2003	Change in participant list
Commission regulation (EC) No. 1214/2003	07-07-2003	Approval of the London Bourse
Commission regulation (EC) No. 1536/2003	29-28-2003	Change in participant list (end of transition period)
Commission regulation (EC) No. 1768/2003	08-10-2003	Change in participant list
Commission regulation (EC) No. 1880/2003	24-10-2003	Change in participant list
Commission regulation (EC) No. 2062/2003	24-11-2003	Change in participant list
Commission regulation (EC) No. 101/2004	21-01-2004	Change in participant list
Commission regulation (EC) No. 657/2004	07-04-2004	Change in participant list
Commission regulation (EC) No. 913/2004	29-04-2004	Change in participant list (EU enlargement)
Commission regulation (EC) No. 1458/2004 & Corrigenda	16-08-2004	Intended change in participant list, but apparently, by mistake, the list is the same as that of 29-04-2004
Commission regulation (EC) No. 1459/2004	16-08-2004	Change in participant list (removal of Congo, addition of Norway)
Commission regulation (EC) No. 1474/2004	18-08-2004	Approval of German Community authority

Appendix 7

Royal Decree on supervision measures

Source : Le Moniteur Belge (May 13, 2004). Arrêté royal portant des mesures relatives à la surveillance du secteur du diamant.

30 AVRIL 2004. - Arrêté royal portant des mesures relatives à la surveillance du secteur du diamant

ALBERT II, Roi des Belges,

A tous, présents et à venir, Salut.

Vu le Code des Douanes communautaire, fixé par le Règlement (CEE) n° 2913/92 du Conseil du 12 octobre 1992, notamment les articles 61 et 62;

Vu la loi générale sur les Douanes et Accises, coordonnée le 18 juillet 1977, notamment l'article 5;

Vu la Loi-programme du 2 août 2002, notamment l'article 169, §§ 2 et 4;

Vu l'avis de l'Inspecteur des Finances, donné le 11 décembre 2002;

Vu l'accord de notre Ministre du Budget, donné le 19 décembre 2002;

Vu la notification à la Commission européenne du 7 février 2003 sur base de la directive 98/34/CE du Parlement européen et du Conseil du 23 juin 2000 relative à une procédure d'information dans le domaine des normes et des prescriptions techniques;

Vu la délibération du Conseil des Ministres sur la demande d'avis à donner par le Conseil d'Etat dans un délai ne dépassant pas un mois;

Vu l'avis 35.523/1/V du Conseil d'Etat, donné le 4 septembre 2003, en application de l'article 84, alinéa 1er, 1°, des lois coordonnées sur le Conseil d'Etat;
Sur la proposition de Notre Ministre de l'Economie et de Notre Ministre des Finances, et de l'avis de nos Ministres qui en ont délibéré en Conseil,
Nous avons arrêté et arrêtons :

Article 1er. Pour l'application du présent arrêté, on entend par :

1° Loi-programme : la Loi-programme du 2 août 2002.

2° Diamant : les diamants non montés et taillés, les diamants bruts, le diamant industriel, le boart, le diamant synthétique, la poudre de diamants, pour autant que ceux-ci ne soient pas destinés exclusivement à un usage personnel (codes marchandises 7102 1000, 7102 2100, 7102 2900, 7102 3100, 7102 3900, 7104 2000, 7104 9000, 7105 1000).

3° Secteur du diamant : le secteur comprenant tous les commerçants en diamants, pour autant que ceux-ci ne soient pas destinés exclusivement à un usage personnel.

4° Commerçant en diamants : les différents acteurs qui exercent une activité commerciale dans le secteur du diamant, tant comme activité principale que comme activité complémentaire, y compris les producteurs qui utilisent le diamant lors de la fabrication d'appareils, à l'exception des acteurs s'occupant uniquement d'assurances et/ou de financement du commerce de diamants.

5° Transactions diamantaires : toute importation ou exportation de diamants vers ou hors du territoire du Royaume de Belgique.

6° Surveillance : tous les instruments, toutes les mesures et procédures pouvant aider à combattre dans le secteur diamantaire, même préventivement, la fraude et les abus dans le cadre de l'article 169, § 1er de la Loi-programme.

7° Experts reconnus : experts constatant la valeur, la qualification et le poids des diamants.

8° Qualification : répartition dans les codes de marchandises mentionnés au 2°.

9° Poids : masse exprimée en carats, ou pour les subdivisions 7104 et 7105, en grammes.

10° Service Licences : le service du Service public fédéral Economie, P.M.E., Classes Moyennes et Energie, chargé de la surveillance comme visée à l'article 169, § 1er de la Loi-programme.

Art. 2. § 1er. En exécution de l'article 169, § 3 de la Loi-programme, chaque commerçant en diamants soumet à l'enregistrement les pièces suivantes :

1° Lors de l'enregistrement en tant qu'indépendant :

- a) une copie de la carte d'identité;
- b) une preuve du numéro d'entreprise octroyé par la Banque Carrefour des Entreprises; l'enregistrement ne peut pas être autorisé si le commerçant n'est pas préalablement inscrit à la Banque Carrefour des Entreprises;
- c) la carte professionnelle, délivrée par le Service public fédéral Economie, P.M.E., Classes moyennes et Energie lorsque l'indépendant est de nationalité étrangère, à l'exception des catégories visées par l'article 2 de loi du 19 février 1965 relative à l'exercice, par les étrangers, des activités professionnelles indépendantes.

2° Lors de l'enregistrement en tant que société, de droit belge ou de droit étranger :

- a) une copie de la carte d'identité de tous les gérants;
- b) une preuve du numéro d'entreprise octroyé par la Banque Carrefour des Entreprises; l'enregistrement ne peut être autorisé si la société n'est pas préalablement inscrite à la Banque Carrefour des Entreprises;
- c) une copie de l'acte notarié de constitution et/ou un extrait du Moniteur belge ;
- d) la carte professionnelle, délivrée par le Service public fédéral Economie, P.M.E., Classes moyennes et Energie, lorsque le(s) gérant(s), rémunéré(s) ou non, est (sont) de nationalité étrangère, à l'exception des catégories visées à l'article 2 de la loi du 19 février 1965 relative à l'exercice, par des étrangers, des activités professionnelles indépendantes; l'inscription n'est pas autorisée si le gérant est nommé à titre suspensif dans une société;
- e) au cas où une société exerce le mandat d'administrateur, de gérant ou de membre du comité de direction dans une autre société, le représentant permanent présente sa carte d'identité et la preuve de sa nomination de représentant permanent;
- f) si aucun gérant d'une société belge n'a un domicile fixe dans le Royaume de Belgique, il donne une procuration à la personne habilitée à cet effet habitant le Royaume de

Belgique et qui représente les gérants. Dans ce cas, cette personne présente sa carte d'identité et la preuve de la procuration, signée par les deux parties.

§ 2. Toute modification de la qualité administrative du gérant ou de la société est communiquée au Service Licences, ce qui peut conduire, à défaut, à une suspension de l'enregistrement par le Ministre compétent pour l'Economie.

§ 3. Chaque commerçant en diamants établi sur le territoire de l'Union européenne et qui veut importer des diamants dans ou exporter hors de l'Union européenne via le Royaume de Belgique, fournit également la preuve qu'il a rempli toutes les formalités, établie par l'Etat membre de l'UE duquel il ressortit, pour exercer la profession de commerçant en diamants.

§ 4. Toute enquête judiciaire, tant dans le Royaume de Belgique qu'en dehors de celui-ci, relative à l'activité professionnelle dans laquelle est impliqué le commerçant en diamants, peut conduire à la suspension de l'enregistrement par le Ministre compétent pour l'Economie.

§ 5. Toute condamnation judiciaire prise tant à l'intérieur qu'à l'extérieur du Royaume de Belgique concernant l'activité professionnelle de commerçant en diamants peut entraîner le retrait de l'enregistrement par le Ministre compétent pour l'Economie.

§ 6. Lorsqu'il n'est plus satisfait à toutes les conditions énoncées aux §§ 1er et 3, l'enregistrement est retiré par le Ministre compétent pour l'Economie.

§ 7. Lorsque le Ministre compétent pour l'Economie estime qu'en raison des dispositions de l'article 2, §§ 2, 4, 5 ou 6, l'enregistrement du commerçant en diamants doit être suspendu ou retiré, il informe l'intéressé par lettre recommandée avec accusé de réception des faits constatés et lui communique que la suspension ou le retrait de l'enregistrement est envisagé.

§ 8. L'intéressé dispose d'un délai de vingt jours, samedis, dimanches et jours fériés légaux non compris, à compter de la réception de la lettre recommandée visée au § 7 pour communiquer ses moyens de défense par lettre recommandée au Ministre compétent pour l'économie.

Dans le même délai, il peut en outre demander à être entendu, éventuellement assisté par un conseil de son choix.

§ 9. Dans les soixante jours, samedis, dimanches et jours fériés légaux non compris, suivant la date de réception de la lettre recommandée visée au § 7, le Ministre compétent pour l'Economie prend une décision en matière de suspension ou de retrait conformément à l'article 2, §§ 2, 4, 5 ou 6.

§ 10. Le Ministre compétent pour l'Economie porte immédiatement la décision à la connaissance de l'intéressé par lettre recommandée. La décision sort ses effets dès la date d'expédition de cette lettre recommandée.

§ 11. Le commerçant en diamants qui exerce ses activités sans se faire enregistrer préalablement ou qui continue d'exercer ses activités après suspension ou retrait de son enregistrement par le Ministre compétent pour l'Economie, est sanctionné par une amende visée à l'article 170, § 1er de la Loi-programme.

§ 12. Le commerçant en diamants enregistré fait mention auprès du Service Licences de l'organisation dont il est éventuellement membre et qui assure un système de garanties et d'auto-réglementation de l'industrie et est reconnue comme telle. Les modifications de l'adhésion à une organisation sont également notifiées au Service Licences.

Art. 3. § 1er. Pour chaque importation ou exportation extra-communautaire vers ou hors du Royaume de Belgique, quiconque se livrant au commerce ou à l'industrie du

diamant, déclare auprès du Service Licences la valeur, le poids, la qualification, l'origine ou la provenance documentée des diamants importés ou exportés.

La valeur, le poids, la qualification à déclarer des diamants importés ou exportés, sont constatés par des experts reconnus, comme stipulé à l'article 14, § 1er du présent arrêté, qui assistent le Service Licences.

Le déclarant conserve le document signé par les experts reconnus dans sa comptabilité. L'origine ou la provenance documentée est vérifiée par le Service Licences, assisté par les experts reconnus.

§ 2. En ce qui concerne le commerce avec les pays situés hors de l'Union européenne, la déclaration s'effectue lorsque la déclaration en douane a lieu pour autant que celle-ci s'effectue dans le Royaume de Belgique et qu'il ne s'agisse pas d'une déclaration visant un transport douanier intracommunautaire.

§ 3. Quiconque se livre au commerce ou à l'industrie du diamant peut déclarer toute transaction effectuée dans l'Union européenne au Service Licences. Dans ce cas, le contrôle de la transaction s'opère comme prévu au § 1er.

Art. 4. § 1er. La tâche des experts reconnus, comme stipulé à l'article 3, § 1er, alinéa 2, consiste en l'inspection physique des diamants importés et exportés vers ou hors du Royaume de Belgique et la comparaison de ces données avec celles se trouvant sur les documents comme preuve de la déclaration. Lorsqu'un envoi est composé de différents paquets, chaque paquet est ouvert.

Lorsqu'un envoi ou un paquet comprend plusieurs lots, il est vérifié, au moyen de documents suffisamment détaillés, si tous les lots sont présents dans l'envoi ou dans le paquet.

Lors de l'inspection physique, les experts reconnus respectent les directives suivantes :

1° Lors de l'importation, les scellés douaniers sont contrôlés;

2° Il ne peut y avoir d'écart considérable entre la valeur déclarée et la valeur d'expertise;

3° Le poids doit être exact;

4° Pour tout envoi, la sorte de diamant déclarée doit être exacte et concorder avec les codes marchandises visés à l'article 1er, 2°.

5° Lors de l'exportation, l'envoi est scellé par l'expert reconnu immédiatement après l'inspection physique.

Après l'inspection physique, les documents signés par les experts reconnus sont soumis au Service Licences;

Le Service Licences assure l'attribution des envois à contrôler aux experts reconnus.

Le Service Licences établit les instructions de travail se rapportant à la procédure des inspections physiques.

Seules les personnes impliquées dans les travaux d'inspection physique ont accès aux locaux où ces travaux ont lieu.

§ 2. Les experts reconnus accomplissent leur tâche selon les instructions et sous la surveillance du Service Licences.

L'inspection physique a lieu dans les locaux mis à disposition à cet effet par l'a.s.b.l. « Hoge Raad voor Diamant » à Anvers et permettant d'accomplir ces tâches dans des conditions d'efficacité, discrétion, sécurité et indépendance optimales.

§ 3. Lors de l'accomplissement de leur tâche, les experts reconnus et les agents du « Diamond Office », un département de l'a.s.b.l. « Hoge Raad voor Diamant », sont tenus au secret des données individuelles des déclarations, comme stipulé à l'article 3, §§ 1er et 3, dont ils prennent connaissance du fait de leur activité professionnelle. Seul le Service Licences a accès aux données dont les experts reconnus et les agents du «

Diamond Office » prennent connaissance du fait de leur activité professionnelle. Des données macro-économiques sont uniquement mises à la disposition de l'a.s.b.l. « Hoge Raad voor Diamant » et du Service Licences.

Si les experts reconnus et les agents constatent des irrégularités lors de leurs activités professionnelles, ils sont tenus d'en informer le Service Licences.

§ 4. Lorsqu'il constate des irrégularités et des dérogations, l'expert reconnu établit un rapport écrit et le remet au Service Licences.

Le cas échéant, les agents du Service Licences peuvent demander une ou plusieurs inspections physiques supplémentaires aux experts reconnus. Au cas où les dérogations constatées ont des conséquences pour la déclaration en douane, les agents en Douanes en sont avisés; ceux-ci peuvent éventuellement procéder à une enquête et engager des poursuites.

Art. 5. Quiconque se livre au commerce ou à l'industrie du diamant et quiconque détient habituellement un stock de diamants à un titre quelconque, déclare annuellement au Service Licences la valeur, le poids et la qualification de la quantité de diamants qu'il possède et/ou qu'il a confiés à des courtiers ou travailleurs à façon et ce à la date du 31 décembre. De même, sont déclarés le stock de départ, les achats effectués dans le Royaume de Belgique, les importations de diamants dans le Royaume de Belgique, le traitement tant dans le Royaume de Belgique qu'à l'étranger, les ventes dans le Royaume de Belgique et les exportations de diamants hors du Royaume de Belgique.

La déclaration est obligatoire même lorsque ce stock est nul, si l'assujetti s'est livré dans le courant de l'année écoulée à un commerce ou à l'industrie du diamant et s'il a détenu habituellement un stock à un titre quelconque.

La valeur à déclarer est la valeur reprise dans la comptabilité du déclarant.

Art. 6. Quiconque exerce la profession de tailleur de diamant pour son compte; quiconque, en vertu d'un contrat de travail à façon, donne des diamants à tailler à autrui; quiconque, en vertu de tels contrats, taille pour le compte d'autrui et quiconque cumule ces activités, fournit les renseignements prescrits par les articles suivants pour les stocks de diamants qu'il détient au 31 décembre de l'année en cours.

Art. 7. En ce qui concerne les diamants qu'il traite et dont il est propriétaire, l'assujetti indique

1° Leur prix d'achat, leur poids et leur qualification avant le traitement;

2° Leur prix de revient, leur poids et leur qualification après le traitement;

3° La perte de poids au traitement ainsi que les changements de qualification suite à la fabrication ou à l'assortiment;

4° Les frais de main-d'oeuvre constitués par le salaire de ses ouvriers, les charges sociales qu'il paye et, s'il travaille lui-même comme ouvrier, son propre salaire égal à celui d'un ouvrier.

Art. 8. En ce qui concerne les diamants qu'il traite pour autrui en vertu d'un contrat de travail à façon, l'assujetti indique :

1° Le poids des diamants au moment de leur réception;

2° Leur poids après le traitement;

3° Le montant du travail à façon de chaque contrat et le nom des divers cocontractants;

4° Les frais de main-d'oeuvre consacrés au traitement et constitués par le salaire de ses ouvriers, les charges sociales qu'il paye et, s'il travaille lui-même comme ouvrier, son propre salaire égal à celui d'un ouvrier.

Art. 9. En ce qui concerne les diamants qu'il donne à traiter à autrui en vertu d'un contrat de travail à façon, l'assujetti indique :

1° Leur prix d'achat, leur poids et leur qualification avant le traitement;

2° Leur prix de revient, leur poids et leur qualification après le traitement;

3° La perte de poids au traitement ainsi que les changements de qualification suite à la fabrication ou à l'assortiment;

4° Le montant du travail à façon de chaque contrat et le nom des divers cocontractants.

Art. 10. La déclaration prescrite par les articles 5 et 6 est introduite au plus tard fin mars au Service Licences.

Lorsque la comptabilité est clôturée à une date autre que le 31 décembre, la déclaration est introduite au plus tard à la fin du deuxième mois suivant la date de clôture de l'exercice.

Art. 11. Le Ministre compétent pour l'Economie détermine le modèle du formulaire à utiliser pour la déclaration prescrite aux articles 5 et 6.

Art. 12. Le commerçant en diamants qui omet d'introduire la déclaration annuelle obligatoire du stock, comme stipulé aux articles 5 et 6, reçoit en octobre de l'année suivante une lettre recommandée du Service Licences lui demandant s'il a interrompu ses activités. La confirmation de ce fait ou l'absence de réponse entraîne dans un délai de 3 mois la radiation de l'enregistrement.

Art. 13. Lors des contrôles, comme stipulé à l'article 170, § 3 de la Loi-programme, les fonctionnaires compétents peuvent, comme stipulé à l'article 170, § 2 de la Loi-programme, se faire assister par les experts reconnus, comme prévu à l'article 14, § 1er du présent arrêté.

Art. 14. § 1er. Les experts, comme stipulé à l'article 3, § 1er, alinéa 2 sont désignés par le Ministre compétent pour l'Economie, sur avis de la Commission Economique Interministérielle, et choisis parmi les lauréats d'une épreuve d'aptitude organisée par la Commission spéciale du Secteur diamantaire créée auprès du Conseil central de l'Economie. La désignation se fait après présentation d'une déclaration selon laquelle ils n'entretiennent aucun lien avec des personnes physiques et morales qui, par leur profession, sont soumises à l'obligation de déclaration prescrite à l'article 3, § 1er et/ou tombent sous les dispositions de l'article 3, § 3, ni ne proposent régulièrement leurs services à de telles personnes. A cet égard, ils sont tenus de préciser également les activités professionnelles de leurs parents, conjoint(e) et enfants. Les experts désignés sont reconnus et assermentés par le Ministre compétent pour l'Economie.

§ 2. L'appel aux candidats est publié au moins un mois avant l'expiration du délai d'inscription au Moniteur belge et au moins dans un quotidien francophone, néerlandophone et germanophone.

A compter du même moment, l'appel est affiché à un endroit nettement visible dans les locaux de l'a.s.b.l. « Hoge Raad voor Diamant ».

§ 3 Pour être admis à l'épreuve d'aptitude, le candidat produit les documents suivants :

- 1° un certificat récent de bonnes vie et moeurs destiné à un service public;
- 2° un certificat établi par un oculiste attestant qu'il jouit d'une vue suffisante pour exercer correctement le métier;
- 3° la preuve d'une expérience professionnelle polyvalente de dix ans au moins dans le secteur du diamant.

§ 4. La Commission spéciale du Secteur diamantaire soumet le programme des épreuves au Ministre compétent pour l'Economie. Les épreuves comprennent au moins une partie théorique relative à la gemmologie et à l'économie de l'entreprise spécifique au secteur diamantaire et une partie pratique comportant l'inspection physique de lots de diamants et la présentation d'un rapport écrit y afférent. La Commission spéciale du Secteur diamantaire soumet également à l'approbation du Ministre compétent pour l'Economie les noms des membres de la commission d'examen. Celle-ci comprend :

- 1° un président, gemmologue, titulaire d'un diplôme universitaire reconnu en la matière;
- 2° deux membres effectifs et deux membres suppléants choisis pour leurs connaissances professionnelles en matière de diamant;
- 3° deux délégués effectifs et deux délégués suppléants du Service Licences;
- 4° deux délégués effectifs et deux délégués suppléants de l'Administration des Douanes et Accises du Service public fédéral Finances.

A l'issue des épreuves, la commission d'examen présente à la Commission économique interministérielle un rapport comprenant un classement motivé des lauréats, laquelle transmet au Ministre compétent pour l'Economie un avis en la matière.

§ 5. Une épreuve d'évaluation est organisée tous les trois ans pour évaluer l'aptitude des experts reconnus. Le Ministre compétent pour l'Economie rédige le programme de l'épreuve d'évaluation après avoir consulté le président de la commission d'examen comme prévu au § 4.

Le Ministre compétent pour l'Economie désigne les membres de la commission d'évaluation. Celle-ci comprend :

- 1° un président, gemmologue, titulaire d'un diplôme universitaire reconnu en la matière;
- 2° un membre choisi pour ses connaissances professionnelles en matière de diamant;
- 3° un délégué du Service Licences;
- 4° un délégué de l'Administration des Douanes et Accises du Service public fédéral Finances.

§ 6. Le Ministre compétent pour l'Economie peut suspendre ou retirer l'agrément et le serment visés au § 1er du présent article sur l'avis motivé de la Commission économique interministérielle et après avoir entendu l'expert ou l'avoir à tout le moins dûment convoqué par lettre recommandée.

L'expiration du contrat, ainsi que la renonciation par une des parties, entraînent automatiquement le retrait de l'agrément. L'examen de la démission d'un expert doit recevoir l'accord préalable du Ministre compétent pour l'Economie.

Art. 15. L'arrêté royal du 23 octobre 1987, modifié par l'arrêté royal du 6 mars 1990 relatif à la statistique des stocks et de l'importation et de l'exportation de diamants, l'arrêté ministériel du 9 mars 1990 réglant les modalités de l'épreuve d'aptitude des experts chargés de constater le poids, la valeur et la qualification des diamants à l'importation et à l'exportation, l'arrêté ministériel du 5 novembre 1991 fixant le modèle de formulaire à utiliser pour la déclaration annuelle des stocks et de l'activité dans le secteur du diamant et l'arrêté ministériel du 22 janvier 1945 réglant l'achat, la vente, l'offre en vente et la livraison des diamants bruts, sont abrogés à la date d'entrée en vigueur du présent arrêté.

Art. 16. Le présent arrêté entre en vigueur 10 jours après sa publication au Moniteur belge.

Art. 17. Notre Ministre de l'Economie et Notre Ministre des Finances sont chargés, chacun en ce qui le concerne, de l'exécution du présent arrêté.

Donné à Bruxelles, le 30 avril 2004.

ALBERT

Par le Roi :

La Ministre de l'Economie,
Mme F. MOERMAN

Le Ministre des Finances,
D. REYNDERS

Publié le : 2004-05

Appendix 8

Code of conduct of the bourses

For the adoption of a CODE OF CONDUCT in view of establishing a set of rules and requirements for the Antwerpsche Diamantkring C.V. (“ADK”), Beurs voor Diamantandel C.V. (“BVD”), Diamantclub van Antwerpen C.V. (“DCA”) and Vrije Diamanthandel N.V. (“VDH”), and their respective members who trade rough diamonds, to comply with Article 17 of the European Council Regulation implementing the Kimberley process certification scheme for the international trade in rough diamonds and, thereby, to satisfy the requirements for ADK, BVD, DCA and VDH, separately, to obtain a listing in Annex V of the said Regulation

ADK, BVD, DCA and VDH (Collectively, the “Bourses”, and Individually, a “Bourse”):

Having regard to the European Council Regulation implementing the Kimberley Process certification scheme for the international trade in rough diamonds, decided on 19 December 2002, and as may be amended from time-to-time (the “Council Regulation”),

Having regard to the Kimberley Process (the “KP”) certification scheme (the “KP Certification Scheme”), as Annexed to the Council Regulation,

Whereas:

1. As envisaged by the KP Certification Scheme, the Council Regulation establishes a framework for a system of warranties and industry self-regulation whereby traders in rough diamonds who are members of organisations listed in Annex V to the Council Regulation will be permitted to undertake warranties which, for the purposes of the Council Regulation’s export regime, may serve as conclusive evidence that their rough diamonds have been imported lawfully into the European Community.
2. The Bourses’ natural person members include traders in rough diamonds (the “Members”), and where a Member holds the capacity of director, managing director, general manager, director or active partner with a power of attorney of a commercial company (or companies), such company (or companies) will be made subject to this Code of Conduct (defined *infra*) (a “KP Member”).⁴
3. In support of their application for listing in Annex V of the Council Regulation, and, following such listing, their continued compliance with the requirements set forth by Article 17 of that Regulation, the Bourses will hereby establish a code of conduct (the “Code of Conduct”) whereby their Members and KP Members will undertake to comply

⁴ For the purposes of this Code of Conduct, and except as stated otherwise, where the terms “Members” and “KP Members” are used in relation to the Bourses, it shall refer to the natural person members and KP Members dealing in rough diamonds of all of the Bourses collectively, whereas where the terms “Members” and “KP Members” are used in relation to a Bourse, it shall refer to the natural person members and KP Members dealing in rough diamonds of that Bourse only.

with their warranties and a system for investigating and enforcing their compliance with those warranties will be created.

4. To that effect, the Board of Directors of the Federation of Belgian Diamond Bourses v.z.w. (the “FBDB”), in accordance with Article 2 of the *General Regulations for the Antwerp Diamond Bourses*, dated 1 October 1996 (the “FBDB Regulation”), will adopt a decision to incorporate the Code of Conduct into, and as an integral part of, the FBDB Regulation (the “FBDB Decision”) and, in so doing, the FBDB Decision, including the Code of Conduct, will be binding on the Bourses and on their Members and KP Members. Each Bourse will take all steps necessary to give full effect to the FBDB Regulation.

5. Each Bourse will appoint the Arbitration Commission established by the FBDB pursuant to its authority under the FBDB Regulation (the “Arbitration Commission”) to oversee the compliance by its Members and KP Members with the Code of Conduct, which includes the warranties provided thereunder. Where the Arbitration Commission is of the view that a Member’s and/or KP Member’s conduct may be violating, or may have violated, its warranties under this Code of Conduct, it will appoint arbitrators from the list of arbitrators (the “Arbitrators”) set forth pursuant to the Regulations of the General Reconciliation and Arbitration Council (the “Arbitration Regulations”) who will be responsible for determining whether that Member and/or KP Member has violated this Code of Conduct, including its warranties made hereunder (such body shall be referred to herein as the “Code Board”). Furthermore, a Member and/or KP Member will be entitled to appeal a decision of the Code Board to the Arbitration Commission, and the Arbitration Commission will appoint arbitrators (also referred to as “Arbitrators” herein, except as may be stated otherwise⁵) from the Arbitration Regulations (such body shall be referred to herein as the “Code Appeals Board”). The Code Board and the Code Appeals Board shall establish their own systems of procedures.

6. This Code of Conduct shall apply to all Members and KP Members, and such Members and KP Members shall take all steps necessary to ensure that any person acting on their behalf or authority in respect of trading rough diamonds complies with this Code of Conduct.

THEREFORE ADOPTS THE FOLLOWING CODE OF CONDUCT:

Chapter I – Subject matter and definitions

Article 1

1. In accordance with the requirements set forth in Article 17 of the Council Regulation, this Code of Conduct establishes a system of warranties and self-regulation whereby each Member and KP Member of a Bourse who deals in rough diamonds undertakes to comply with the warranties set forth at Article 17(2)(a) of the Council Regulation, and as may be amended from time-to-time (the “Undertakings”), as further described at Article 4 of this Code of Conduct.

⁵ For greater certainty, except as stated otherwise, reference to “Arbitrators” herein shall be to the Arbitrators appointed to the Code Board or the Code Appeals Board, as the case may be.

2. This Code of Conduct shall be incorporated into, and be an integral part of, the FBDB Regulation and, as such, is also binding on the Bourses and on their Members and KP Members.
3. The Bourses shall, separately, apply to the Commission or to the Community authority for listing in Annex V of the Council Regulation, as provided for by, and in accordance with, the Council Regulation and any relevant rules of procedures established by the Commission or Community authority for doing so. Each Bourse shall take all steps necessary to maintain its listing in Annex V of the Council Regulation.
4. Any amendment to this Code of Conduct only may be made by the Board of Directors of the FBDB. Such decision only may be made where at least one-half of the members of the Board of Directors are present and, of those members present, it is accepted by at least two-thirds of them. Furthermore, such decision only can be taken where the Board of Directors has taken all steps necessary to ensure that any such amendment to this Code of Conduct will not adversely impact upon the Bourses' continued listing in Annex V of the Council Regulation.
5. Every Member who holds the capacity of director, managing director, general manager, director or active partner with a power of attorney of a commercial company (or commercial companies) shall personally guarantee the performance of this Code of Conduct, including the requirement to provide the Undertakings, by that commercial company (or commercial companies) and the commercial company (or commercial companies) shall be listed as a KP Member by its Bourse or Bourses. Where a KP Member has more than one person who is a Member and who holds the capacity of director, managing director, general manager, director or active partner with a power of attorney of that KP Member, all such Members shall personally guarantee the performance of that KP Member with the Code of Conduct, including the performance of their Undertakings, and, where the Members are members of different Bourses, each such Bourse shall list that KP Member as a KP Member for the purposes of Article 17 of the Council Regulation. KP Members shall be subject to the requirements, supervision and sanctioning mechanism set forth by this Code of Conduct. KP Members shall not be admitted as partners/shareholders of ADK/BVD/DCA/VDH.

This Code of Conduct shall be governed by Belgian law.

Article 2

1. For the purposes of this Code of Conduct, all terms and expressions have the same meaning as set forth in either Article 2 of the Council Regulation, the FBDB Regulation or as specifically defined herein. To the extent of any inconsistency between a meaning prescribed by the Council Regulation and by this Code of Conduct, the meaning prescribed by this Code of Conduct shall prevail.
2. To the extent of any inconsistency between this Code of Conduct and the FBDB Regulation, the Arbitration Regulations and/or any regulation, by-law or directive established under the authority of the FBDB Regulation, and/or to the extent of any

inconsistency between this Code of Conduct and any regulation, by-law or decision of a Bourse, this Code of Conduct shall prevail to the extent of that inconsistency.

Chapter II – Code of conduct membership

Article 3

1. This Code of Conduct shall apply to all Members and KP Members. If they have not done so already in anticipation of the passage of this Code of Conduct, upon this Code of Conduct being adopted by the FBDB Board of Directors, Members and KP Members must notify their Bourse (or Bourses where they are a Member or KP Member of more than one Bourse), by registered mail, that they trade in rough diamonds and that they understand and will abide by the Code of Conduct. Failure by a Member or KP Member to make this notification, however, shall not impact upon the binding effect which this Code of Conduct has on that Member or KP Member, but it may constitute a Serious Violation (defined *infra*). Where a person who is a member of a Bourse later begins to trade in rough diamonds, that person then shall be deemed to be a “Member” or “KP Member”, as the case may be, and that Member or KP Member must notify its Bourse (or Bourses where it is a Member or KP Member of more than one Bourse), by registered mail, immediately that it is now a Member or KP Member for the purposes of this Code of Conduct. That Member also shall comply with the terms of Article 1(5) regarding the provision of a personal guarantee in respect of a KP Member. This Code of Conduct shall apply to that Member, as well as to any identified KP Member, and that Member and KP Member shall send with its notification to its Bourse or Bourses confirmation that it understands and will comply with the Code of Conduct. Failure to make this notification, however, shall not impact upon the binding effect which this Code of Conduct has on that Member and KP Member, but it may constitute a Serious Violation (defined *infra*).

2. To give full and proper effect to Undertakings, each Member shall take all steps necessary to ensure that any natural or legal person acting on that Member’s behalf, direction or authority, whether as an employee, agent, representative or otherwise (“Third Persons”), will comply with his or her Undertakings. To that end, the Board of Directors of the FBDB recommends that, to assist in satisfying this requirement, each Member should require Third Persons to undertake to that Member that they have read and understand the Undertakings and that they will comply with them (attached as Annex A hereto is a sample undertaking which Members may reproduce and distribute to Third Persons). For greater certainty, however, each Member remains solely responsible for compliance by Third Persons with his or her Undertakings.

3. In the case of a KP Member, its Undertakings also will have to be affirmed by and made applicable to (“Third Persons”):

- (a) the members of its board of directors;
- (b) the manager to whom daily management has been entrusted; and

(c) any employee, agent, representative or other person who is involved in the purchase, sale, import and/or export of rough diamonds on its behalf, direction or authority.

Chapter III – Obligations of the Members and KP Members

Article 4

1. Each Member and KP Member shall and, where applicable, Third Persons described at paragraphs 2 and 3 of Article 3 of this Code of Conduct shall, comply with the Undertakings, as set forth in and contemplated by Article 17(2)(a) of the Council Regulation, and as may be amended from time-to-time, a copy of which is attached as Appendix B hereto.

2. Each Member and KP Member agrees to comply with this Code of Conduct, which includes the Undertakings as well as any decision or action of the Arbitration Commission (which acts on the basis of decisions by the Code Board and the Code Appeals Board), which decision shall be, except as provided at Article 9(9), formally implemented by a Bourse or Bourses. However, where a Member's or KP Member's Bourse substitutes its decision for that of the Arbitration Commission's decision pursuant to Article 9(9), then only the decision of that Member's or KP Member's Bourse shall be binding on that Member or KP Member, as the case may be.

3. Each Member and KP Member acknowledges and accepts that its Bourse and/or the Arbitration Commission (and in turn the Code Board and/or the Code Appeals Board) may be required to provide to the Commission and/or to the Community authority information required pursuant to Article 17 of the Council Regulation.

4. Consistent with Article 56 of the FDBD Regulation, each Member and KP Member agrees not to hold the Bourses, the FBDB, the Arbitration Commission, the Code Board and/or the Code Appeals Board liable as a result of any direct or indirect losses or damages suffered by a Member and/or KP Member as a result of any decision, rule, suspension or sanction, or the publication of notice of a suspension or sanction, adopted or taken under, and in accordance with, this Code of Conduct provided that the Bourses, the FBDB, the Arbitration Commission, the Code Board and/or the Code Appeals Board, as the case may be, acted in a fair and objective manner. This limitation on liability shall extend to include the Arbitrators, as well as any directors, officers, employees, agents, members, representatives, designees or any other person working on behalf of or assisting the Bourses, the FBDB, the Arbitration Commission, the Code Board and the Code Appeals Board. Notwithstanding the above, however, an Arbitrator, or any independent professional retained by a Code Board or Code Appeals Board, may be held personally liable for any breach of Article 7(1)(c) where that Arbitrator or third-party professional used the information referred to in that subparagraph for any commercial or other use or advantage.

Chapter IV – Obligations of the Bourses

Article 5

1. Each Bourse shall provide to the Community authority and/or the Commission, as required by the Council Regulation, a complete list of its Members and KP Members dealing in rough diamonds, including their full names, addresses, location and other information which will contribute to avoiding mistaken identities, as well as any subsequent changes to that information. The Bourses will use their best efforts to identify Members and KP Members, which they may do, in whole or in part, by relying on the notifications sent to them pursuant to Article 3(1) hereto.

2. Each Bourse shall immediately notify the Community authority and/or the Commission, as required by the Council Regulation, of all changes to its membership subsequent to the application for listing in Annex V, and that information may include the information referred to at Article 5(1) of this Code of Conduct.

3. Each Bourse shall provide to the Commission and Community authority access to any information where the Bourse is required to do so under Article 17 of the Council Regulation.

Each Bourse shall make known to its Members and KP 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. Each Bourse, or the Bourses collectively, can appoint any person or body it considers appropriate to perform this task on its or their behalf but, notwithstanding such appointment, each Bourse remains individually responsible for the performance of this requirement.

Chapter V – The Arbitration Commission, The Code Board and the Code Appeals Board

Article 6

1. Each Bourse shall appoint the Arbitration Commission to, in the manner set forth in this Code of Conduct, verify its Members' and KP Members' compliance with their Undertakings and the Code of Conduct more generally. The Arbitration Commission shall adopt a decision of the Code Board or, where a decision has been appealed, a decision of the Code Appeals Board as its own and, where that decision is to such effect, the Arbitration Commission shall issue a decision to a Bourse requiring that Bourse to suspend or impose a sanction against (including possible expulsion of) a Member and/or KP Member, and, in certain cases, to publish notice of that suspension or sanction and notify the Commission and/or the Community authority, as required by the Council Regulation, of that decision, in the manner and as set forth in Chapter VI of this Code of Conduct.

2. Where the Arbitration Commission initiates an investigation in accordance with Article 9(2), or where a Member or KP Member appeals a decision of the Code Board

in accordance with Article 9(4), the Arbitration Commission shall appoint three Arbitrators from the list of arbitrators set forth pursuant to the Arbitration Regulations to a Code Board or to a Code Appeals Board, as the case may be. With a view to ensuring the existence of an objective and fair due process mechanism, before nominating the Arbitrators to the Code Board or Code Appeals Board, the Member and/or KP Member whose conduct is being investigated or who is appealing a decision shall have an opportunity to inform the Arbitration Commission, in strictest confidence, which five (5) persons on the list of possible Arbitrators it does not want to be appointed to the Code Board or Code Appeals Board, which in no case shall represent more than twenty (20) percent of the persons on the list of possible Arbitrators (in respect of the appointment of Arbitrators to the Code Appeals Board, that percentage number also shall include the arbitrators on the list but who are disqualified because of their participation on the Code Board). Provided that it does not interfere with the performance of his or her duties, an Arbitrator may engage in other business during the term of being an Arbitrator, including while the Code Board or Code Appeals Board is investigating and adjudicating upon the alleged non-compliance by a Member and/or KP Member with its Undertakings. Decisions of the Arbitration Commission under this Article shall be by majority vote.

3. The responsibilities and powers of the Arbitration Commission shall include:
 - (a) to receive information or advice from a Bourse, governmental agency or from any natural or legal person or otherwise regarding a Member's and/or KP Member's potential non-compliance with the Code of Conduct, including its Undertakings and, as set forth in Article 9(2), to decide whether the Member's and/or KP Member's conduct should be investigated and, if so, to establish a Code Board for that purpose;
 - (b) to receive requests from Members and KP Members for appeals of the decisions of the Code Board and, in such cases, to establish a Code Appeals Board for that purpose;
 - (c) to appoint Arbitrators to a Code Board and to the Code Appeals Board and, where necessary, in accordance with Article 7, to consider complaints regarding Arbitrators and, where appropriate, to replace Arbitrators;
 - (d) to immediately notify a Bourse of any decision by the Code Board and the Code Appeals Board regarding its Members and/or KP Members so that the Bourse can communicate any information it is required to communicate to the Commission and/or to the Community authority in compliance with Article 17 of the Council Regulation, including the provision of an updated list of the Members and/or KP Members of the Bourse;
 - (e) based on the decisions of the Code Board and the Code Appeals Board, to formulate binding decisions, where appropriate, concerning suspensions and sanctions, as well as the publication of such suspensions and sanctions, to a Bourse as provided for under and in accordance with Chapter VI of this Code of Conduct; and

(f) generally to take all necessary or useful measures for the implementation and application of this Code of Conduct in view of assisting a Bourse with its continued listing in Annex V of the Council Regulation.

4. The responsibilities and powers of the Code Board shall include:

(a) subject to any appeal and as otherwise provided by this Code of Conduct, to formulate binding decisions, where appropriate, concerning all sanctions such as expulsions, suspensions etc., as well as concerning the publication of such suspensions and sanctions, to the Arbitration Commission as provided for under and in accordance with Chapter VI of this Code of Conduct;

(b) to arrange for and administer the access to information for its own behalf in order to be able to conduct any investigation and render any decision contemplated by this Code of Conduct, as well as provide any information to the Arbitration Commission which the Arbitration Commission may provide to the relevant Bourse so that the Bourse can provide such information to the Commission and/or to the Community authority where required per Article 17 of the Council Regulation; and

(c) generally to take all necessary or useful measures for the implementation and application of this Code of Conduct in view of assisting a Bourse with its continued listing in Annex V of the Council Regulation.

5. The responsibilities and powers of the Code Appeals Board shall include:

(a) except as otherwise provided by this Code of Conduct, to formulate binding decisions, where appropriate, concerning all sanctions such as expulsions, suspensions etc., as well as concerning the publication of such suspensions and sanctions, to the Arbitration Commission as provided for under and in accordance with Chapter VI of this Code of Conduct;

(b) to the extent permissible by this Code of Conduct, to arrange for and administer the access to information for its own behalf in order to be able to consider any appeal to a decision of the Code Board, as well as provide any information to the Arbitration Commission which the Arbitration Commission must provide to the relevant Bourse so that the Bourse can provide such information to the Commission and/or to the Community authority where required per Article 17 of the Council Regulation; and

(c) generally to take all necessary or useful measures for the implementation and application of this Code of Conduct in view of assisting a Bourse with its continued listing in Annex V of the Council Regulation.

6. The Arbitrators of a Code Board shall be responsible for establishing the procedures for the Code Board (the “Code Board Procedures”) in respect of its investigation and adjudication of any alleged non-compliance by a Member or KP Member with the Code of Conduct, which includes the Undertakings. The Code Board Procedures shall, however, be consistent with, and contain at a minimum, the elements set forth at Article 9(3) of this Code of Conduct for conducting an investigation and

making a decision. The Code Board Procedures shall be established by majority decision of the Arbitrators.

7. The Arbitrators of a Code Appeals Board shall be responsible for establishing the procedures for the Code Appeals Board (the “Code Appeals Board Procedures”) in respect of its consideration of an appeal of a decision of the Code Board. The Code Appeals Board Procedures shall, however, be consistent with, and contain at a minimum, the elements set forth at Article 9(5) of this Code of Conduct for reviewing the decision of a Code Board. The Code Appeals Board Procedures shall be established by majority decision of the Arbitrators.

8. The Code Board and Code Appeals Board shall publish and make available to the Arbitration Commission the Code Board Procedures or the Code Appeals Board Procedures, respectively and as the case may be. Further, the Code Board Procedures and the Code Appeals Board Procedures, as applicable, will be made known to the Member and/or KP Member whose conduct is being investigated.

Article 7

(1) Arbitrators shall be governed by the following requirements:

(a) each Arbitrator shall, at all times, remain impartial and if, for any reason, this is not possible, or becomes not possible, the Arbitrator who cannot satisfy this requirement shall immediately notify with a motivated letter the Arbitration Commission and shall remove himself or herself from the Code Board or the Code Appeals Board, as the case may be;

(b) if for any reason an Arbitrator becomes aware of any possible conflict of interest in regard to his or her functioning on the Code Board or the Code Appeals Board, as the case may be, the Arbitrator shall immediately notify with a motivated letter the Arbitration Commission and shall remove himself or herself from the Code Board or the Code Appeals Board, as the case may be; and

(c) an Arbitrator shall not make publicly available any information provided to him or her in respect of any matter herein, unless such information is known to the public or where required to do so by law, and shall not otherwise use any such information for any commercial or other use or advantage.

(2) Except where considered necessary for its determination and agreed to in writing by the Member or KP Member being investigated, in no case may an Arbitrator knowingly or intentionally review any confidential business secrets information of the Member and/or KP Member being investigated. In respect of the Code Board, in that case, the Code Board shall hire an independent professional(s) who does not trade in rough diamonds (*e.g.* forensic accountant, customs broker, gemmologist, lawyer etc.) to perform any investigative function the Code Board otherwise could have performed on its own, and the independent professional(s) will report its findings to the Code Board in writing. The Code Board shall be entitled to rely on those findings when rendering its decision.

(3) Where a Member or KP Member being investigated has a reasonable basis upon which to believe that an Arbitrator is violating, or is likely to violate, any provision of Articles 7(1) or (2), or is not, or is likely not to be, objective and fair, that Member or KP Member can request the Arbitration Commission to consider whether that Member's or KP Member's concerns are reasonable. If the Arbitration Commission considers such concerns to be reasonable, the Arbitrator shall be removed from the Code Board or the Code Appeals Board, as the case may be, and shall be replaced by the Arbitration Commission. A decision made under this paragraph shall be completed within ten (10) days of the issue being referred to it and the Code Board or the Code Appeals Board shall convene or re-convene, as the case may be, within ten (10) days thereafter. During such period of time the proceedings under this Code of Conduct shall be suspended, and this also shall have the effect during such period of time of suspending the application of Article 9(3)(h) in the case of a decision of the Code Board and Article 9(5)(e) in the case of a decision of the Code Appeals Board. Decisions by the Arbitration Commission under this paragraph shall be by majority vote.

(4) If for any reason an Arbitrator becomes incapacitated or otherwise cannot perform his or her duties and resigns, during such period of time the proceedings under this Code of Conduct shall be suspended, and this also shall have the effect during such period of time of suspending the application of Article 9(3)(h) in the case of a decision the Code Board and Article 9(5)(e) in the case of a decision of the Code Appeals Board. In such event, the Arbitration Commission shall appoint a new Arbitrator as soon as possible.

Article 8

A Bourse (except as provided at Article 9(9)) and its Members and KP Members must comply with the decisions of the Arbitration Commission whether or not an Arbitrator is for any reason subsequently removed from the list of arbitrators under the Arbitration Regulations.

Chapter VI – Investigation, Suspension and Sanctioning of A Member and KP Member

Article 9

1. In accordance with the requirements set forth herein, the Arbitration Commission shall be responsible for initiating investigations. Where a decision has been made to initiate an investigation, the Arbitration Commission shall refer that investigation to a Code Board, and that Code Board shall be constituted in the manner set forth in Article 6. The Code Board shall report its decision to the Arbitration Commission and the Arbitration Commission shall adopt the decision of the Code Board as its own decision. An investigation may be, or in the case of subparagraph (d) below, must be, initiated in accordance with the following procedures:

(a) a Bourse, a governmental body or any natural or legal person or otherwise may supply to the Arbitration Commission any information or advice indicating, and stating the grounds for such indication, that the Member and/or KP Member is or is likely

violating, or has or likely has violated, the Code of Conduct, which includes the Undertakings;

(b) on the basis of the information or advice supplied under paragraph (a) above, as well as any additional information or advice upon which the Arbitration Commission may have requested from the person, body or entity supplying the information or advice, the Arbitration Commission shall decide whether there is a reasonable possibility that a Member and/or KP Member is or is likely violating, or has or likely has violated, the Code of Conduct, which includes the Undertakings;

(c) before making a decision to initiate an investigation, the Arbitration Commission can seek a response of the Member and/or KP Member who is the subject matter of the information or advice, but such response shall be accorded, at this stage of the proceeding only, limited weight, and further that the Arbitration Commission may withhold the identity of any person, body or entity who supplied the information where doing so is considered as vital to encouraging the person, body or entity to come forward with the information or advice (*e.g.* because he or she is an employee, supplier or customer);

(d) notwithstanding the above, however, the Arbitration Commission must initiate an investigation where the Bourse or Bourses to which the Member or KP Member is a member specifically requests that an investigation be initiated.

2. The Arbitration Commission shall complete the above procedure and decide whether to initiate an investigation within fifteen (15) days of first receiving the information or advice, including any supplementary information which it was subsequently provided or which it requested and received.

3. The Code Board shall investigate and issue a decision regarding any matter that it is instructed to consider by the Arbitration Commission, as well as any further matter related to a Member's and/or KP Member's compliance with the Code of Conduct, including the Undertakings, which becomes known or relevant during its investigation. In carrying out its investigation, the Code Board shall apply its Code Board Procedures and shall satisfy the following minimum due process requirements:

(a) notify the Member and/or KP Member, by registered mail or facsimile, that its conduct is being investigated, and such notice shall provide the Member and/or KP Member with sufficient information and sufficient prior notice to permit a full and effective answer to any and all allegations, although a Code Board may withhold the identity of any person, body or entity who supplied the information where doing so is considered as vital to encouraging the person, body or entity to come forward with the information or advice (*e.g.* because he or she is an employee, supplier or customer);

(b) the Member and/or KP Member being investigated shall be permitted to submit to the Code Board any and all information which the Member and/or KP Member considers relevant to the Code Board's consideration of the matter, and the Code Board shall consider such information;

- (c) the Member and/or KP Member being investigated shall be entitled to appoint a registered lawyer or another Member of its Bourse to appear before, or make written or oral submissions to, the Code Board on its behalf, provided that the Member and/or KP Member notifies the Code Board of such appointment by registered mail;
- (d) the Member and/or KP Member being investigated shall be permitted to making written submissions to or appear before the Code Board to provide oral submissions, which shall be held in private, and the Member and/or KP Member shall be entitled to call before the Code Board any witness or expert which the Member and/or KP Member considers helpful, but in such case the Code Board shall have an unfettered right to pose its own questions to that witness or expert;
- (e) in addition to any advice or information which may have been submitted to the Code Board by a person, body or entity in support of an investigation, the Code Board may consider any additional information which the Code Board considers relevant, and such additional information also shall be provided to the Member and/or KP Member being investigated so that it can respond to it, subject to the right of the Code Board to remove any information that identifies the person, body or entity who supplied the information in accordance with subparagraph (a) above;
- (f) the decision of the Code Board shall be based solely on the information before it;
- (g) where considered advisable by unanimous decision of the Arbitrators, or where required by Article 7(2) of this Code of Conduct, the Code Board shall retain an independent professional(s) to provide assistance or advice on any technical or investigative issue before it or is otherwise helpful to its determination, which advice shall be considered to be “additional information” for the purposes of paragraph (e) above, and in such case that professional shall be bound by the requirements of Articles 7(1) and (2) of this Code of Conduct as if the professional was an Arbitrator and in such case he or she also shall be considered to be an agent of the Code Board; and
- (h) except where the investigation or decision has been temporarily suspended in accordance with Articles 7(3), 7(4) or 9(10) of this Code of Conduct, the Code Board shall notify the Arbitration Commission, as well as the Member and/or KP Member being investigated and its Bourse or Bourses, by registered mail, of its decision within seventy-five (75) days of being referred the matter by the Arbitration Commission, and shall provide its Bourse and the Member and/or KP Member, by registered mail, reasons for that decision within thirty (30) days thereafter. In the event of a dissenting opinion, the Arbitrator who dissents also shall provide his or her written reasons. The period contemplated by this subparagraph only may be extended with the written agreement of the Member and/or KP Member being investigated.
4. Upon receiving the decision referred to in Article 9(3)(h) above, a Member and/or KP Member may, within ten (10) days thereof, appeal the decision of the Code Board to the Arbitration Commission. Notice of a request for an appeal shall be sent to the Arbitration Commission by registered mail. Upon such appeal, the Arbitration Commission shall, within fifteen (15) days thereof, establish a Code Appeals Board to consider the appeal. The Code Board shall be entitled to decide whether the Member

and/or the KP Member who is appealing the Code Board's decision should be suspended from the Bourse or Bourses until the Code Appeals Board has rendered its decision.

5. The Code Appeals Board shall review any decision of a Code Board referred to it by the Arbitration Commission and, in accordance with this Article 9, can uphold, vary or replace any decision of the Code Board. An appeal shall be strictly limited to the decision of the Code Board, including to the information which was before the Code Board. Notwithstanding such limitation however, in accordance with subparagraph (d) below, the Code Appeals Board may consider reports prepared by independent professionals on its instructions. In considering an appeal, the Code Appeals Board shall apply the Code Appeals Board Procedures and shall satisfy the following minimum due process requirements:

- (a) notify the Member and/or KP Member, by registered mail, of the Code Appeals Board and that such Board is responsible for considering the appeal;
- (b) the appellate Member and/or KP Member shall be entitled to appoint a registered lawyer or another Member of its Bourse to appear before, or make written or oral submissions to, the Code Appeals Board on its behalf, provided that the appellate Member and/or KP Member notifies the Code Appeals Board of such appointment by registered mail;
- (c) the appellate Member and/or KP Member being investigated shall be permitted to make written submissions to and appear before the Code Board to provide oral submissions, which shall be held in private, but such written and oral submissions shall be limited entirely to the information which was before the Code Board, except that this shall not constrain the right and ability of the appellate Member and/or KP Member to provide written and oral submissions which addresses any report of an independent professional submitted to the Code Appeals Board in accordance with subparagraph (d) below;
- (d) where considered advisable by unanimous decision of the Arbitrators, or if required by Article 7(2) of this Code of Conduct, the Code Appeals Board shall retain an independent professional(s) to review and provide its views on the quality and conclusions set forth in any report prepared by an independent professional retained by the Code Board under Article 9(3)(g), which views shall be considered to be "additional information" for the purposes of subparagraph (c) above, and in such case that professional shall be bound by the requirements of Articles 7(1) and (2) of this Code of Conduct as if the professional was an Arbitrator and in such case he or she also shall be considered to be an agent of the Code Appeals Board; and
- (e) except where the investigation or decision has been temporarily suspended in accordance with Articles 7(3), 7(4) or 9(10) of this Code of Conduct, the Code Appeals Board shall notify the Arbitration Commission, as well as the Member and/or KP Member being investigated and its Bourse or Bourses, by registered mail, of its decision within forty-five (45) days of being referred the matter by the Arbitration Commission, and shall provide its Bourse and the Member and/or KP Member, by registered mail, reasons for that decision within thirty (30) days thereafter. In the event of a dissenting

opinion, the Arbitrator who dissents also shall provide his or her written reasons. The period contemplated by this subparagraph only may be extended with the written agreement of the Member and/or KP Member being investigated.

6. All decisions of the Code Board and the Code Appeals Board shall be by a majority vote of the Arbitrators. The evidentiary standard of proof to be applied by the Code Board and Code Appeals Board shall be the standard of proof applicable under Belgian law. Furthermore, without prejudice to the right of the Arbitration Commission to issue a decision to suspend a Member and/or KP Member under Article 9(11), or any right of a Member and/or KP Member to voluntarily suspend its membership in a Bourse under Articles 9(10), a Member and KP Member shall be presumed innocent until proven otherwise, including where a Member and/or KP Member has appealed a finding of guilt by the Code Board.

7. In accordance with the procedures set forth herein, the Code Board shall be responsible for investigating and issuing a decision regarding any alleged non-compliance (a "Violation") by a Member and/or KP Member with the Code of Conduct, which includes the Undertakings, and the Code Board shall complete such function as soon as reasonably possible, but, for greater certainty, in any event within the timetable set forth at Article 9(3)(h) of this Code of Conduct. The Code Appeals Board shall be responsible for reviewing the decisions of the Code Board, and shall complete such function as soon as reasonably possible, but, for greater certainty, in any event within the timetable set forth at Article 9(5)(e) of this Code of Conduct. In making its determination, the Code Board and the Code Appeals Board, as the case may be, shall be directed by the following requirements:

(a) where the Code Board or, on appeal, the Code Appeals Board determines that a Member's Violation is a serious violation (a "Serious Violation"), and where that person is not a director, managing director, general manager, director or active partner with a power of attorney of a KP Member, that Member shall be expelled from the Bourse and, in that case, it shall be barred from being a Member of the Bourses thereafter, as well as from being a director, managing director, general manager, director or active partner with a power of attorney of a KP Member; or

(b) where the Code Board or, on appeal, the Code Appeals Board determines that a Member's Violation is a Serious Violation, and where that person is a director, managing director, general manager, director or active partner with a power of attorney of a KP Member or KP Members, then that Member and that KP Member or KP Members shall be expelled from the Bourse and, in that case, the Member, along with the KP Member or KP Members, shall be barred from being a Member or KP Member of the Bourses thereafter, but such expulsion shall not be extended to any other Member of that KP Member or KP Members who is a director, managing director, general manager, director or active partner, unless such other Member knowingly or intentionally participated or assisted in the Serious Violation; or

(c) where the Code Board or, on appeal, the Code Appeals Board determines that a KP Member's Violation is a Serious Violation, then that KP Member shall be expelled, along with all Members who are a director, managing director, general manager, director or active partner with a power of attorney of that KP Member and, in that case,

all further KP Members in which those Members are director, managing director, general manager, director or active partner with a power of attorney (“Secondary KP Members”) also shall be expelled, but that expulsion shall not be extended to any other Members who are director, managing director, general manager, director or active partner of the Secondary KP Members, unless such other Members knowingly or intentionally participated or assisted in the Serious Violation; or

(d) where the Violation is determined not to be a Serious Violation, the Code Board or the Code Appeals Board may impose an effective, proportionate and dissuasive sanction on the Member and/or any relevant KP Member, which can include, a blame, suspension and/or fine of up to 250,000.00 Euros. When a fine has been set, the Member and/or the KP Member shall be suspended until the fine is paid.

8. Except as provided at paragraph 9 of this Article, whether a Violation constitutes a Serious Violation shall be at the sole discretion of the Code Board or, on appeal, at the sole discretion of the Code Appeals Board. In making that determination, the Code Board and the Code Appeals Board may consider any factor it considers relevant, including, among other things, the following:

whether the Violation was committed knowingly or intentionally,
the nature of the Violation,
the frequency of the Violation,
whether the Member and/or KP Member has previously committed a Violation, whether or not that Violation relates to the present Violation;
whether the Member and/or KP Member had, or has since, adopted due diligence procedures to prevent Violations from occurring or re-occurring,
any steps the Member and/or KP Member has taken to remedy the Violation and ensure it does not re-occur,
whether notice of the Violation came from the Member and/or KP Member or from a third party,
the potential impact of the Violation on the reputation of the Bourse, the Bourses, the FBDB and/or the diamond industry generally, and
the degree of impact which the Violation may have had on facilitating or promoting trade in conflict diamonds.

9. Where, following the decision of a Code Board or, on appeal, the Code Appeals Board, the Arbitration Commission renders a decision to a Member’s and/or KP Member’s Bourse or Bourses to the effect that such Member or KP Member has committed a Violation, but that such Violation is not a Serious Violation, the Bourse or Bourses can reject that determination where it is, or they are, of the view that the Violation constitutes a Serious Violation. In such case, the Member shall be expelled, as well as, where applicable, any KP Member or KP Members where the circumstances set forth at Article 9(7)(b) apply. Similarly, where the decision is made in respect of a KP Member, the Bourse call expel the KP Member, as well as any other KP Members and Members in accordance with the circumstances set forth at Article 9(7)(c). However, before making a decision herein, the Bourse or Bourses shall provide the Member and/or KP Member with an opportunity to appear before it, or them, and explain why, in that Member’s and/or KP Member’s view, the Violation does not constitute a Serious Violation. The Member’s and/or KP Member’s submission shall be

limited to this narrow issue only. For greater certainty, a Bourse cannot reverse a Code Board's or Code Appeals Board's determination of guilt. As well, where the Member and/or KP Member is expelled from a Bourse, it shall be expelled from all of the Bourses thereafter.

10. Where a Member and/or KP Member is notified pursuant to Article 9(3)(a) of this Code of Conduct that the Arbitration Commission has initiated an investigation and established the Code Board to conduct such investigation, or at any time thereafter, the Member and/or KP Member may request the Code Board or, where a decision is being appealed, the Code Appeals Board to suspend its investigation where the Community authority or any other governmental department, authority, body, agent, tribunal, court or the like, whether it be of a Member State, the Commission or a foreign government, is investigating, or is considering whether to initiate an investigation concerning, the same or similar conduct being considered by the Code Board or Code Appeals Board (a "Government Investigation"). Where such request is made by the Member and/or KP Member, the Code Board or the Code Appeals Board, as the case may be, shall suspend its investigation and not render its decision until the Government Investigation is completed, or any time sooner where the Member and/or KP Member requests that the Code Board's investigation or Code Appeals Board's review be continued and its decision be rendered. The outcome of the Government Investigation shall not bind the decision of the Code Board or Code Appeals Board, but it may be taken into account. Any request by a Member and/or KP Member under this paragraph shall be made, by registered mail, to its Bourse, the Arbitration Commission and to the Code Board or, where it involves an appeal, to the Code Appeals Board. A suspension considered hereby also shall have the effect of suspending the time periods referred to at Articles 9(3)(h) and 9(5)(e), as the case may be.

11. Where it is alleged that a Member and/or KP Member has committed a Violation which the Code Board considers may be a Serious Violation, the Code Board may issue a decision to the Arbitration Commission requiring the Arbitration Commission to issue a decision to that Member's and/or KP Member's Bourse or Bourses requiring the Bourse or Bourses to suspend that Member and/or KP Member until its final decision has been rendered.

12. The rules and procedures regarding the suspension of members stated in the FBDB Regulation shall apply to any suspension of a Member and/or KP Member under this Article. During a suspension, the Member and/or KP Member shall be denied all the rights and privileges of being a member of the Bourse, including the rights and privileges associated with being a member of an organisation listed in Annex V of the Council Regulation, and the Member and/or KP Member may not, directly or indirectly, represent to any person that it is a Member and/or KP Member, or is otherwise associated with, the Bourse, except to the extent that such representation is necessary for defending itself regarding the alleged Violation. Where a Member or KP Member has been suspended from a Bourse, it may not become a Member or KP Member of any of the other Bourses.

13. Except as provided at paragraph 9 above, a Bourse shall implement and, where necessary, enforce a decision of the Arbitration Commission regarding the suspension or sanctioning (including possible expulsion) of a Member and/or KP

Member. Where a Member and/or KP Member has been suspended or expelled under and in accordance with this Article, the Bourse or Bourses to which that Member and/or KP Member is a member shall immediately notify the Commission and/or Community authority in accordance with this Code of Conduct, and as required by the Council Regulation, and shall, as soon as reasonably practicable, publish notice of that suspension or expulsion, as the case may be. Furthermore, the Bourse or Bourses shall distribute such publication to each bourse which is a member of the World Federation of Diamond Bourses.

Appendix 9

Belgian imports of rough diamonds

The data in this appendix have been compiled by IPIS research and can also be consulted at <http://www.ipisresearch.be/E/aENond01.htm>. They should be approached with great care because the Belgian National Bank (BNB) data are not fully reliable, they differ from KP statistics and import value is influenced by changes in valuation. There are several reasons for this.⁶

The statistics do not include the HS category 7102.21 (industrial rough diamonds), but 7102.10 and 7102.31 only.

The BNB uses complex calculations for the origin of diamonds. Mixed shipments are split to different countries on the basis of theoretical origin. This causes confusion about the meaning of the statistics .

An analysis of the intra-EU import data by the Belgian Ministry of Economic Affairs suggests that some of the figures may sometimes include some or all imports of polished diamonds from a country too. The actual rough diamond imports from other EU countries before 2003 were sometimes much lower than the BNB data.

There has been a decrease of undervaluation of exports to Belgium, as explained before. This means that a rise in import value, especially from 2002 to 2003, does imply a rise in import quantity of the same order. Instead, the quantity may have increased less or even decreased.

Ordinary trade statistics are not exactly the same as KPCS statistics. For example, the KPCS does not apply to diamond powder (diamonds with a longest side of less than 1 mm), while these are sometimes declared as rough diamonds and included accordingly in ordinary trade statistics.

Belgian rough diamond imports from Central Africa, 2000 – August 2003 by country.

	2000 (in millions)	2001 (in millions)	2002 (in millions)	Jan-Aug 2003 (in millions)
Angola	€ 680	€ 621	€ 524	€ 190
Burundi	€ 0	€ 0	€ 0.006	€ 1
Central African Republic	€ 181	€ 113	€ 133	€ 34
Congo (Republic of)	€ 26	€ 3	€ 4	€ 28
Democratic Republic of Congo	€ 780	€ 840	€ 1.036	€ 463
Rwanda	€ 0	€ 0	€ 1	€ 0.1
Tanzania	€ 13	€ 5	€ 10	€ 2
Uganda	€ 0.01	€ 0	€ 7	€ 0
Zambia	€ 0.04	€ 15	€ 2	€ 0

Source: BNB

⁶ Interviews with M. Van Bockstael, A. Waem and L. Paesschiersens, 26 May 2004, and correspondence with F. Coosemans, June 2004, and M. Van Bockstael, 27 July 2004.

Appendix 9: Belgian imports of rough diamonds

Belgian rough diamond imports from Southern and West Africa, 2000 – August 2003 by country.

Table 2: SOUTHERN AFRICA

	2000 (in millions)	2001 (in millions)	2002 (in millions)	Jan-Aug 2003 (in millions)
Botswana	€ 2	€ 6	€ 15	€ 9
Lesotho	€ 21	€ 10	€ 6	€ 0.2
Mauritius	€ 30	€ 20	€ 62	€ 16
Namibia	€ 41	€ 9	€ 7	€ 4
South Africa	€ 112	€ 368	€ 446	€ 279
Zimbabwe	€ 1	€ 0	€ 0	€ 2

Source BNB

Table 3: WEST AFRICA

	2000 (in millions)	2001 (in millions)	2002 (in millions)	Jan-Aug 2003 (in millions)
Benin	€ 0	€ 0	€ 0.3	€ 0
Cameroon	€ 1	€ 0.3	€ 0	€ 0
Gambia	€ 20	€ 0.3	€ 0.1	€ 0
Ghana	€ 23	€ 16	€ 23	€ 15
Guinea	€ 169	€ 145	€ 95	€ 38
Ivory Coast	€ 66	€ 53	€ 68	€ 5
Liberia	€ 110	€ 2	€ 0	€ 0
Mali	€ 6	€ 1	€ 2	€ 0
Senegal	€ 0	€ 0	€ 1	€ 0
Sierra Leone	€ 14	€ 25	€ 45	€ 62
Togo	€ 0.2	€ 0.06	€ 2	€ 2

Source BNB

Appendix 9: Belgian imports of rough diamonds

Belgian rough diamond imports from Asia/Pacific, 2000 – August 2003 by country.

	2000 (in millions)	2001 (in millions)	2002 (in millions)	Jan-Aug 2003 (in millions)
Australia	€ 225	€ 117	€ 182	€ 63
Bahrain	€ 5	€ 0.5	€ 0.1	€ 0
Cambodia	€ 0.3	€ 0.02	€ 0.08	€ 0.2
China (PR)	€ 290	€ 356	€ 435	€ 302
Hong Kong	€ 585	€ 598	€ 862	€ 273
India	€ 1,022	€ 958	€ 1,120	€ 791
Indonesia	€ 0.8	€ 2	€ 2	€ 0.007
Israel	€ 1,583	€ 1,374	€ 1,533	€ 772
Japan	€ 83	€ 76	€ 63	€ 9
Korea (DPR)	€ 5	€ 4	€ 3	€ 0.2
Korea (R)	€ 0.1	€ 0.1	€ 0.4	€ 0.5
Kuwait	€ 0	€ 0.2	€ 0.7	€ 0.01
Laos (PR)	€ 0	€ 0.4	€ 1	€ 1
Lebanon	€ 27	€ 21	€ 26	€ 16
Malaysia	€ 29	€ 11	€ 5	€ 3
New Zealand	€ 0.3	€ 0.2	€ 0.1	€ 0
Oman	€ 0.05	€ 2	€ 4	€ 0
Saudi Arabia	€ 2	€ 0.8	€ 0.5	€ 0
Singapore	€ 50	€ 70	€ 56	€ 9
Sri Lanka	€ 147	€ 141	€ 163	€ 108
Taiwan	€ 3	€ 6	€ 8	€ 0.4
Thailand	€ 233	€ 218	€ 276	€ 139
Turkey	€ 0.1	€ 0.3	€ 1	€ 0
UAE	€ 181	€ 329	€ 293	€ 453
Vietnam	€ 41	€ 37	€ 35	€ 19

Source: BNB

Appendix 9: Belgian imports of rough diamonds

Belgian rough diamond imports from the Americas, 2000 - August 2003 by country.

	2000 (in millions)	2001 (in millions)	2002 (in millions)	Jan-Aug 2003 (in millions)
Aruba	€ 21	€ 5	€ 5	€ 0
Brazil	€ 26	€ 63	€ 101	€ 25
Canada	€ 356	€ 419	€ 130	€ 110
Cayman Islands	€ 6	€ 0	€ 0	€ 0
Guyana	€ 23	€ 38	€ 19	€ 27
Panama	€ 0.7	€ 8	€ 0	€ 0
United States of America	€ 1,269	€ 1,414	€ 1,412	€ 246
Venezuela	€ 0.7	€ 5	€ 15	€ 0
Virgin Islands	€ 5	€ 6	€ 5	€ 6

Source: BNB

Belgian rough diamond imports from Europe, 2000 – August 2003 by country.

	2000 (in millions)	2001 (in millions)	2002 (in millions)	Jan-Aug 2003 (in millions)
Armenia	€ 83	€ 35	€ 84	€ 74
Austria	€ 4	€ 4	€ 3	€ 0.03
Belarus	€ 11	€ 3	€ 5	€ 10
Denmark	€ 2	€ 3	€ 2	€ 0.1
Germany	€ 108	€ 118	€ 82	€ 3
France	€ 191	€ 209	€ 166	€ 5
Greece	€ 3	€ 2	€ 1	€ 0
Hungary	€ 2	€ 0.7	€ 0.5	€ 0
Ireland	€ 7	€ 24	€ 9	€ 2
Italy	€ 127	€ 188	€ 185	€ 4
Netherlands	€ 30	€ 24	€ 19	€ 6
Portugal	€ 11	€ 10	€ 19	€ 8
Russian Federation	€ 297	€ 305	€ 330	€ 324
Spain	€ 31	€ 40	€ 56	€ 2
Sweden	€ 5	€ 3	€ 4	€ 0
Switzerland	€ 361	€ 314	€ 351	€ 225
Ukraine	€ 49	€ 33	€ 29	€ 18
United Kingdom	€ 3,313	€ 2,732	€ 3,218	€ 2,255

Source: BNB