

Conditions of Issue of Kimberley Process Certificate (Export)

1. This Certificate is valid for 28 days from the date of issue, unless otherwise stated.
2. The declared exporter carrying on a business of exporting rough diamonds must be a rough diamond trader registered with the Director-General of Trade and Industry.
3. The declared exporter shall not affect the export of the consignment covered by this Certificate unless it is specified on the Certificate or he is formed by the Director-General of Trade and Industry in writing that inspection of the consignment is not required. If inspection is required, export shall not be affected before inspection by the Customs and Excise Department.
4. If the consignment covered by this Certificate requires inspection, the declared exporter shall make arrangement with Customs and Excise Department, at least 3 working days before exportation, for inspection of the consignment at the premises specified by him.
5. The declared exporter shall ensure that the rough diamonds to be exported under this Certificate are sealed in a tamper-resistant container and that the shipment of rough diamonds is accompanied by the original of this *Kimberley Process Certificate (Export)* issued by the Director-General of Trade and Industry.
6. When the *Kimberley Process Certificate (Export)* has been issued by the Director-General of Trade and Industry for the export of the consignment, the declared exporter shall before the goods are exported, deliver the triplicate of the *Kimberley Process Certificate (Export)* to the shipping, airline or transportation company. If inspection of the consignment is not required, the triplicate of this *Kimberley Process Certificate (Export)* shall bear an endorsement by the Customs and Excise Department to signify that inspection has been conducted. If inspection of the consignment is not required, the triplicate of this *Kimberley Process Certificate (Export)* will not bear an endorsement by Customs and Excise Department.
7. The declared exporter must make request for amendment or cancellation of this Certificate with the Director-General of Trade and Industry if the goods exported do not accord with that stated on the Certificate.
8. *Kimberley Process Certificate (Export)* which are not used must be returned to the Director-General of Trade and Industry for cancellation.
9. The declared exporter must comply with other Conditions of Issue (other than those printed above) as stipulated in relevant circulars and notices issued by the Trade and Industry Department (see Important Note 4 below).
10. The Director-General of Trade and Industry reserves the right to impose additional Conditions of Issue as he sees fit in the interests of public or with the consent of the declared exporter.

Warning

1. Any person who exports any goods covered by this Certificate not under and in accordance with the Conditions of Issue commits an offence and is liable on conviction to a maximum fine of \$500,000 and to imprisonment for 2 years under the Import and Export Ordinance (Cap. 60). It is also an offence for any person to make a false declaration or to furnish any false or misleading information in respect of this application under the Import and Export Ordinance. The Director-General of Trade and Industry may take administrative actions against the declared exporter in the event of breach of any of the Conditions of Issue. The administrative actions taken may involve but shall not necessarily be confined to the denial of certification and related facilities and suspension and revocation of Certificate.

Important Notes

1. All persons carrying on a business of importing, exporting, buying, selling or carrying rough diamonds must be registered with the Director-General of Trade and Industry as rough diamond traders.
2. This Certificate is issued to be declared exporter for his use to export goods covered by this application and is not transferrable.
3. The prescribed fee for a *Kimberley Process Certificate (Export)* is payable on issue of the Certificate.
4. The relevant circulars and notices referred to in the above Conditions of Issue are those circulars and notices issued by the Trade and Industry Department and in force at the time of issue of this Certificate. Traders should contact the Rough Diamonds and Ozone Depleting Substances Licensing Unit of the Trade and Industry Department if they are in doubt as to the content and/or application of the Conditions or particular requirements stipulated in these circulars and notices.
5. The exporter must lodge export declarations in respect of items on this Certificate within 14 days of shipment.
6. This Certificate is issued in reliance on the information declared on the application. Provision of false information or making false declaration shall render this Certificate null and void. Heavy penalties are provided for false declaration, provision of false, or misleading information, forgery, unauthorized alterations of Certificate and the use of such Certificate.
7. The Trade and Industry Department reserves the right to disclose to third parties either in Hong Kong or elsewhere all or any of the information provided by the exporter in this Certificate pertaining to the control on rough diamonds in Hong Kong for the purposes of or in connection with the exercise or performance of any of the powers or duties under the legislation; the implementation of the international scheme for rough diamonds; or the institution of criminal proceedings under the legislation.

Important Notes to Shipping, Airline and Transportation Companies

1. The shipping, airline or transportation company shall not accept any rough diamonds for export until the triplicate of this *Kimberley Process Certificate (Export)* has been produced to him by the exporter. If inspection of the consignment is required, the triplicate shall bear the endorsement by the Customs and Excise Department.
2. The shipping, airline or transportation company shall deliver to the Director-General of Trade and Industry the triplicate of the *Kimberley Process Certificate (Export)* delivered to him by the exporter within 14 days after the day on which the goods are exported as required by Section 11 of the Import and Export Ordinance (Cap. 60).

Definition of Conflict Diamonds

“Conflict diamonds” is defined under the Certificate Scheme developed by the Kimberley Process to mean rough diamonds used by rebel movements or their allies to finance conflicts aimed at undermining legitimate governments, as described in relevant United Nations Security Council (UNSC) resolutions insofar as they remain in effect, or in other similar UNSC resolutions which may be adopted in future, and as understood and recognized in United Nations General Assembly (UNGA) Resolution 55/56, or in other similar UNGA resolutions which may be adopted in future.