Application

  (to the decree of the Government

of the Kyrgyz Republic

of 15.07.2019 No. 349)

REGULATIONS

regarding import into and export from the Kyrgyz Republic of rough natural diamonds taking into account the international Kimberley Process certification scheme

Chapter 1. General Provisions

1. These Rules for the import into and export from the territory of the Kyrgyz Republic of rough natural diamonds taking into account the international Kimberley Process certification scheme (hereinafter - the Rules) are developed in accordance with the Regulation on the import into and export from the customs territory of the Eurasian Economic Union (EAEU) of precious stones (appendix № 13), approved by the Decision of the Board of the Eurasian economic commission "On the measures of non-tariff regulation" of 21.04.2015 № 30.

2. Import and export of rough natural diamonds are carried out in containers protected from unauthorized opening.

3. Information exchange with the Kimberley Process secretariat is accomplished by e-mail.

4. Import and export of rough natural diamonds is authorized only from the countries participants of the Kimberley Process.

5. Main definitions used in these Rules:

- **certificate of the international certification scheme of rough natural diamonds (hereinafter - the Kimberley Process Certificate)** – is a standard form document that identifies a batch of rough natural diamonds as meeting the requirements of the certification scheme;

- **authorized state body** – is a state body empower with the authority to represent the interests of the Government of the Kyrgyz Republic and to regulate issues related to operations with precious metals and stones on the territory of the Kyrgyz Republic;

- **expertise (identification) of rough natural diamonds** – is a determination by the authorized body of the quality-color, amount and cost characteristics of rough natural diamonds;

- **applicant** – are parties engaged in the mining of natural diamonds, production of diamonds and products from rough natural diamonds, as well as legal entities possessing the right to carry out operations with rough natural diamonds and are specially registered by the authorized state body, under commission and agent agreements with the above mentioned parties ;

- **natural diamond mining parties** – are organizations engaged in mining of natural diamonds on the territory of the EAEU member state, of which they are residents;

- **diamond production parties** – are organizations and individual entrepreneurs possessing the right to cut rough natural diamonds for the purpose of producing diamonds on the territory of the EAEU member state, of which they are residents;

- **rough natural diamonds products manufacturing parties** – are organizations and individual entrepreneurs permitted to process or to use rough natural diamonds in manufacturing products for industrial purposes, as well as household and jewelry products, on the territory of a member state of the Customs Union, of which they are residents.

**Chapter 2. The procedure for importing rough**

**natural diamonds into the Kyrgyz Republic**

 6. When importing rough natural diamonds into the Kyrgyz Republic (hereinafter - “importing”), taking into account the Kimberley Process certification scheme, the authorized state body shall be provided with information about the Kimberley Process certificate (indicating the certificate number, date of issue and validity of the certificate).

7. In case of failure to provide the specified information or expiration of the Kimberley Process certificate, the import of rough natural diamonds batch into the Kyrgyz Republic, is not allowed.

8. When importing rough natural diamonds prior to customs operations related to customs declaration, an expertise (identification) of rough natural diamonds is carried out by the authorized state body performing the functions of implementing state policy in the field of production, use, circulation, accounting and storage of precious metals and precious stones, and their products, operations with the indicated values ​​on the territory of the Kyrgyz Republic.

9. State control is carried out by the authorized state body in accordance with the decisions of the Eurasian economic commission, the legislation of the Kyrgyz Republic through customs posts determined by the authorized body in the field of customs.

10. When importing rough natural diamonds, the applicant (authorized representative of the applicant) shall submit to the representative of the authorized state body the following documents:

- Copy of the foreign trade contract (agreement), annexes and (or) additions to it, and in case of the absence of a foreign trade agreement (contract) - a copy of another document confirming the intentions of the parties. If there is no foreign trade agreement (contract) on the state and / or official languages, then a copy of the contract (contract) is attached with a translation, certified by the applicant (indicating of the position and date, signature and seal of the applicant);

- Certificate of the Kimberley Process of the exporting state, issued in accordance with the requirements of the international certification scheme for rough natural diamonds.

11. The act of state control is prossesed and issued to the applicant within one business day from the receipt of documents.

12. After passing the state control and obtaining an act of state control when importing rough diamonds, the applicant (authorized representative of the applicant) performs customs operations related to the declaration of rough natural diamonds in accordance with the legislation of the Kyrgyz Republic in the field of customs.

**Chapter 3. The procedure for the export of rough natural diamonds**

 **from the territory of the Kyrgyz Republic**

13. When exporting unprocessed diamonds from the territory of the Kyrgyz Republic (hereinafter - “exporting”), taking into account the Kimberley Process certification scheme prior to customs operations related to customs declaration, an expertise (identification) of rough natural diamonds by the authorized body is carried out.

14. State control is accomplished by the authorized state body in accordance with the decisions of the Eurasian economic commission, the legislation of the Kyrgyz Republic through customs posts determined by the authorized body in the field of customs.

15. When exporting rough natural diamonds, the applicant (authorized representative of the applicant) shall submit the following documents to the official of the authorized state body:

- a copy of the foreign trade agreement (contract), annex and (or) additions to it, in the state and / or official languages, and in the absence of a foreign trade agreement (contract) - a copy of another document confirming the intentions of the parties. If there is no foreign trade agreement (contract) drawn up in the state and / or official languages, then a copy of the agreement (contract) shall be accompanied by a translation certified by the applicant (indicating the position and date, certified by the applicant’s signature and seal).

16. The act of state control is drawn up and issued to the applicant (authorized representative of the applicant) within one business day from the receipt of documents.

17. During the implementation of state control by the authorized state body, simultaneously with the state control act, a Kimberley Process certificate is issued and iin the form in accordance with Appendix 1 to these Rules.

18. After passing state control and obtaining an act of state control for the export of rough natural diamonds, the authorized representative of the applicant performs customs operations related to the customs declaration of rough natural diamonds, in accordance with the legislation of the Kyrgyz Republic in the field of customs.

19. Quarterly statistics on the export and import of rough natural diamonds are processed according to the Kimberley Process certification scheme in the form in accordance with Appendix 2 to these Rules.

Appendix 1

Rules for the import into and export from the Kyrgyz Republic of rough natural diamonds, taking into account the scheme of the international certification scheme of the Kimberley Process

Appendix 2

Rules for the import into and export from the Kyrgyz Republic of rough natural diamonds, taking into account the scheme of the international certification scheme of the Kimberley Process

**STATISTICS**

**export and import of rough natural diamonds of the Kyrgyz Republic**

 **as part of the Kimberley Process for \_\_\_\_\_\_ quarter of 20\_\_**

|  |  |  |
| --- | --- | --- |
| **Countries** | **EXPORT** | **IMPORT** |
| **Certificate**  | **Carats** | **Doll** | **Certificate** | **Carats** | **Doll** |
|  |  |  |  |  |  |  |