

## Exporters & Importers of Rough Diamond - Kimberly Process Certificate (KPC)

Rough diamonds are defined as any diamond that is unworked or simply sawn, cleaved or bruted, and classifiable under subheading 7102.10, 7102.21 and 7102.31 of the Harmonized Tariff Schedule (HTS).

The Office of Foreign Assets Control (OFAC) in accordance with the Clean Diamond Trade Act (CDTA) and the Kimberley Process Certification Scheme (KPCS) for rough diamonds published regulations (31 CFR 592.101 through 592.801) for Exporters and Importers of rough diamonds.

### Requirements:

Shipments of rough diamonds imported into, or exported, from the United States must be accompanied by an **original** Kimberley Process Certificate. The original certificate must be presented upon demand by Customs and Border Protection (CBP) officials.

### Exporters:

Shippers are to include the country of destination on the line designated for "Importer" on the KPC.

DHL customers who export rough diamonds under subheadings 7102.10, 7102.21, and 7102.31 of the Harmonized Tariff Schedule of the United States are responsible for faxing the KPC to the Census Bureau. **Copies of the KPC's should be faxed to the following phone number 1-800-457-7328.**

***A Shipper's Export Declaration (SED) is required regardless of value.***

- The SED electronic filing via Automated Export System (AES) of the Kimberly Process Certificate Number for export and/or re-export of rough diamonds is required.
- The AES Internal Transaction Number (ITN) is required on the commercial invoice.
- The unique identifying number of the KPC issued by the U.S. Kimberley Process Authority must be reported to AES.
- For additional information consult the AES [Notice of Request for Faxed Submission of Kimberley Process Certificates](#)

### Importers:

Upon request by CBP of the original KPC certificate are required to produce the document and provide a copy of the certificate for the shipment entry documents. CBP will authenticate the original Kimberley Process Certificate when provided and verify the contents of the shipment against the invoice and/or packing list.

### New Annual Report for Imports and Exports

**Effective May 21, 2008**, in accordance with 31 CFR 592.502 all persons who import or export rough diamonds during the reporting period (January 1 - December 31) is required to file an annual report by April 1 of each year covering the preceding calendar year to the Office of the Special Advisor for Conflict Diamonds at the Department of State.

However, the first annual report, covering the period January 1 - December 31, 2007, must be filed by September 1, 2008.

**Required Reporting information.** The report does not need to be in any specified format but must include the following information:

1. The contact information of the U.S. importer or exporter, including name, address, telephone number, fax number, and e-mail address;
2. Identification of total import and/or export activity for each of the three HTS (7102.10, 7102.21 and 7102.31) classifications of rough diamonds during the reporting year, including:  
(a) total amount of carats of each classification of rough diamonds imported and/or exported;  
and (b) total of all shipments of each classification of rough diamonds imported and/or exported.
3. Information on stockpiles of rough diamonds, if any, for each of the three HTS (7102.10, 7102.21 and 7102.31) classifications, as of the end of the reporting year, reported in both total carats and approximate total value. (Stockpiles are defined as the amount of rough diamonds held unsold at the end of the reporting period).

**Failure to report:** Any importer or exporter who fails to file a required report will be subject to the penalties set forth in 31 Part 592, Subpart F of the Rough Diamonds Control Regulations. (These include civil penalties up to \$10,000 per violation; and penalties for willful violations up to \$50,000 and/or imprisonment up to 10 years.).

Additional information regarding the Kimberley Process is available at <http://www.kimberleyprocess.com/>